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U. S. DEPARTMENT OF AGRICULTURE

## FEDERAL LEGISLATION, RULINGS, AND REGULATIONS AFFECTING THE STATE AGRICULTURAL EXPERIMENT STATIONS

*Compiled in the Office of Experiment Stations, Agricultural Research Administration*

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### LEGISLATION AFFECTING LAND-GRANT COLLEGES

#### ACT OF 1862 DONATING LANDS FOR COLLEGES OF AGRICULTURE AND MECHANIC ARTS

[First Morrill Act]

AN ACT Donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be granted to the several

States, for the purposes hereinafter mentioned, an amount of public land, to be apportioned to each State a quantity equal to thirty thousand acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of eighteen hundred and sixty; *Provided*, That no mineral lands shall be selected or purchased under the provisions of this act.

SEC. 2. *And be it further enacted*, That the land aforesaid, after being surveyed shall be apportioned to the several States in sections or subdivisions of sections, not less than one-quarter of a section; and whenever there are public lands in a State subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled shall be selected from such lands within the limits of such State, and the Secretary of the Interior is hereby directed to issue to each of the States in which there is not the quantity of public lands subject to sale at private entry at one dollar and twenty-five cents per acre to which said State may be entitled under the provisions of this act land scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said States and the proceeds thereof applied to the uses and purposes prescribed in this act and for no other use or purpose whatsoever; *Provided*, That in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State or of any Territory of the United States, but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry at one dollar and twenty-five cents, or less, per acre: *And provided further*, That not more than one million acres shall be located by such assignees in any one of the States: *And provided further*, That no such location shall be made before one year from the passage of this act.

SEC. 3. *And be it further enacted*, That all the expenses of management, superintendence, and taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied without any diminution whatever to the purposes hereinafter mentioned.

SEC. 4 (original). *And be it further enacted*, That all moneys derived from the sale of the lands aforesaid by the States to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks, yielding not less than five per centum upon the par value of said stocks; and that the moneys so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section five of this act), and the interest of which shall be inviolably appropriated by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

SEC. 4 (as amended March 3, 1883). That all moneys derived from the sale of lands aforesaid by the States to which lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks; or the same may be invested by the States having no State stocks in any other manner after the legislatures of such States shall have assented thereto, and engaged that such funds shall yield not less than five per centum upon the amount so invested and that the principal thereof shall forever remain unimpaired: *Provided*, That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section five of this act), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the

States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

SEC. 4 (as amended April 13, 1926). That all moneys derived from the sale of lands aforesaid by the States to which lands are apportioned and from the sales of land scrip hereinbefore provided for shall be invested in bonds of the United States or of the States or some other safe bonds; or the same may be invested by the States having no State bonds in any manner after the legislatures of such States shall have assented thereto and engaged that such funds shall yield a fair and reasonable rate of return, to be fixed by the State legislatures, and that the principal thereof shall forever remain unimpaired: *Provided*, That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section 5 of this act), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

SEC. 5. *And be it further enacted*, That the grant of land and land scrip hereby authorized shall be made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by legislative acts:

First. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act, except that a sum, not exceeding ten per centum upon the amount received by any State under the provisions of this act, may be expended for the purchase of lands for sites or experimental farms whenever authorized by the respective legislatures and States.

Second. No portion of said fund, nor the interest thereon, shall be applied directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings.

Third. Any State which may take and claim the benefit of the provisions of this act shall provide, within five years, at least not less than one college, as described in the fourth section of this act, or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold and that the title to purchasers under the State shall be valid.

Fourth. An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their cost and results, and such other matters, including State industrial and economical statistics, as may be supposed useful, one copy of which shall be transmitted by mail free, by each, to all the other colleges which may be endowed under the provisions of this act, and also one copy to the Secretary of the Interior.

Fifth. When lands shall be selected from those which have been raised to double the minimum price, in consequence of railroad grants, they shall be computed to the States at the maximum price and the number of acres proportionately diminished.

Sixth. No State while in a condition of rebellion or insurrection against the Government of the United States shall be entitled to the benefit of this act.

Seventh. No State shall be entitled to the benefits of this act unless it shall express its acceptance thereof by its legislature within two years from the date of its approval by the President.

SEC. 6. *And be it further enacted*, That land scrip issued under the provisions of this act shall not be subject to location until after the first day of January, one thousand eight hundred and sixty-three.

SEC. 7. *And be it further enacted*, That the land officers shall receive the same fees for locating land scrip issued under the provisions of this act as is now allowed for the location of military bounty land warrants under existing laws: *Provided*, That their maximum compensation shall not be thereby increased.

SEC. 8. *And be it further enacted*, That the governors of the several States to which scrip shall be issued under this act shall be required to report annually



to Congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds.

Approved July 2, 1862 (12 Stat. L. 503).

**ACT OF 1866 EXTENDING THE TIME WITHIN WHICH LAND-GRANT COLLEGES MAY BE ESTABLISHED**

[Amendment of First Morrill Act]

AN ACT To amend the fifth section of an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, so as to extend the time within which the provisions of said act shall be accepted and such colleges established

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the time in which the several States may comply with the provisions of the act of July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," is hereby extended so that the acceptance of the benefits of the said act may be expressed within three years from the passage of this act, and the colleges required by the said act may be provided within five years from the date of the filing of such acceptance with the Commissioner of the General Land Office: *Provided,* That when any Territory shall become a State and be admitted into the Union such new State shall be entitled to the benefits of the said act of July second, eighteen hundred and sixty-two, by expressing the acceptance therein required within three years from the date of its admission into the Union, and providing the college or colleges within five years after such acceptance, as prescribed in this act: *Provided further,* That any State which has heretofore expressed its acceptance of the act herein referred to shall have the period of five years within which to provide at least one college, as described in the fourth section of said act, after the time for providing said college, according to the act of July second, eighteen hundred and sixty-two, shall have expired.

Approved July 23, 1866 (14 Stat. L. 208).

**ACT OF 1890 FOR THE FURTHER ENDOWMENT OF LAND-GRANT COLLEGES**

[Second Morrill Act]

AN ACT To apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, arising from the sales of public lands, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts now established, or which may be hereafter established, in accordance with an act of Congress approved July second, eighteen hundred and sixty-two, the sum of fifteen thousand dollars for the year ending June thirtieth, eighteen hundred and ninety, and an annual increase of the amount of such appropriation thereafter for ten years by an additional sum of one thousand dollars over the preceding year, and the annual amount to be paid thereafter to each State and Territory shall be twenty-five thousand dollars, to be applied only to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural, and economical science, with special reference to their applications in the industries of life and to the facilities for such instruction: *Provided,* That no money shall be paid out under this act to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act if the funds received in such State or Territory be equitably divided as hereinafter set forth: *Provided,* That in any State in which there has been

one college established in pursuance of the act of July second, eighteen hundred and sixty-two, and also in which an educational institution of like character has been established, or may be hereafter established, and is now aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the act to which this act is an amendment, the legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under this act, between one college for white students and one institution for colored students, established as aforesaid, which shall be divided into two parts, and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of this act and subject to its provisions, as much as it would have been if it had been included under the act of eighteen hundred and sixty-two, and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students.

SEC. 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the thirty-first day of July of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of the Interior, out of the Treasury of the United States, to the State or Territorial treasurer, or to such other officer as shall be designated by the laws of such State or Territory to receive the same, who shall upon the order of the trustees of the college or the institution for colored students, immediately pay over said sums to the treasurers of the respective colleges or other institutions entitled to receive the same, and such treasurers shall be required to report to the Secretary of Agriculture and to the Secretary of the Interior on or before the first day of September of each year a detailed statement of the amount so received and of its disbursement. The grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

SEC. 3. That if any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, support, and maintenance of colleges, or of institutions for colored students, as provided in this act, shall, by any action or contingency, be diminished or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings. An annual report by the president of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their cost and results and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted by mail free to all other colleges further endowed under this act.

SEC. 4. That on or before the first day of July in each year, after the passage of this act, the Secretary of the Interior shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for colleges, or of institutions for colored students, under this act, and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of the Interior shall withhold a certificate from any State or Territory of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. And the Secretary of the Interior is hereby charged with the proper administration of this law.

SEC. 5. That the Secretary of the Interior shall annually report to Congress the disbursements which have been made in all the States and Territories, and also whether the appropriation of any State or Territory has been withheld, and, if so, the reasons therefor.

SEC. 6. Congress may at any time amend, suspend, or repeal any or all of the provisions of this act.

Approved August 30, 1890 (26 Stat. L. 417).

#### SOURCE OF FUNDS

Extract from an act providing for free homesteads on the public lands

In the event that the proceeds of the annual sales of the public lands shall not be sufficient to meet the payments heretofore provided for agricultural colleges and experimental stations by an act of Congress, approved August 30, 1890 [26 Stat. L. 417], for the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts, established under the provisions of an act of Congress, approved July 2, 1862 [12 Stat. L. 503], such deficiency shall be paid by the United States.

Approved May 17, 1900.

#### NELSON AMENDMENT FURTHER ENDOWING THE LAND-GRANT COLLEGES

Extract from the act making appropriations for the United States Department of Agriculture for the fiscal year ended June 30, 1908

That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of agricultural colleges now established, or which may hereafter be established, in accordance with the act of Congress approved July second, eighteen hundred and sixty-two, and the act of Congress approved August thirtieth, eighteen hundred and ninety, the sum of five thousand dollars, in addition to the sums named in the said act, for the fiscal year ending June thirtieth, nineteen hundred and eight, and an annual increase of the amount of such appropriation thereafter for four years by an additional sum of five thousand dollars over the preceding year, and the annual sum to be paid thereafter to each State and Territory shall be fifty thousand dollars, to be applied only for the purposes of the agricultural colleges as defined and limited in the act of Congress approved July second, eighteen hundred and sixty-two, and the act of Congress approved August thirtieth, eighteen hundred and ninety.

That the sum hereby appropriated to the States and Territories for the further endowment and support of the colleges shall be paid by, to, and in the manner prescribed by the act of Congress approved August thirtieth, eighteen hundred and ninety, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two," and the expenditure of the said money shall be governed in all respects by the provisions of the said act of Congress approved July second, eighteen hundred and sixty-two, and the said act of Congress approved August thirtieth, eighteen hundred and ninety: *Provided*, That said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts.

Approved March 4, 1907 (34 Stat. L. 1256, 1281).

#### GRANT OF LANDS TO ALASKA FOR EDUCATIONAL AND OTHER PURPOSES

AN ACT To reserve lands to the Territory of Alaska for educational uses, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That when the public lands of the Territory of Alaska are surveyed, under direction of the Government of the United States, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved from sale or settlement for the support of common schools in the Territory of Alaska; and section



thirty-three in each township in the Tanana Valley between parallels sixty-four and sixty-five north latitude and between the one hundred and forty-fifth and the one hundred and fifty-second degrees of west longitude (meridian of Greenwich) shall be, and the same is hereby, reserved from sale or settlement for the support of a Territorial agricultural college and school of mines when established by the Legislature of Alaska upon the tract granted in section two of this act: *Provided*, That where settlement with a view to homestead entry has been made upon any part of the sections reserved hereby before the survey thereof in the field, or where the same may have been sold or otherwise appropriated by or under the authority of any act of Congress, or are wanting or fractional in quantity, other lands may be designated and reserved in lieu thereof in the manner provided by the act of Congress of February twenty-eighth, eighteen hundred and ninety-one (Twenty-sixth Statutes, page seven hundred and ninety-one): *Provided further*, That the Territory may, by general law, provide for leasing said land in area not to exceed one section to any one person, association, or corporation for not longer than ten years at any one time: *And provided further*, That if any of said sections, or any part thereof, shall be of known mineral character at the date of acceptance of survey thereof, the reservation herein made shall not be effective or applicable, but the entire proceeds or income derived by the United States from such sections sixteen and thirty-six and such section thirty-three in each township in the Tanana Valley area hereinbefore described, and the minerals therein, together with the entire proceeds or income derived from said reserved lands, are hereby appropriated and set apart as separate and permanent funds in the Territorial treasury, to be invested and the income from which shall be expended only for the exclusive use and benefit of the public schools of Alaska or of the agricultural college and school of mines, respectively, in such manner as the Legislature of Alaska may by law direct.

SEC. 2. That section numbered six, in township numbered one south of the Fairbanks base line and range numbered one west of the Fairbanks meridian; section numbered thirty-one, in township numbered one north of the Fairbanks base line and range numbered one west of the Fairbanks meridian; section numbered one, in township numbered one south of the Fairbanks base line and range numbered two west of the Fairbanks meridian; and section numbered thirty-six, in township numbered one north of the Fairbanks base line and range numbered two west of the Fairbanks meridian, be, and the same are hereby, granted to the Territory of Alaska, but with the express condition that they shall be forever reserved and dedicated to use as a site for an agricultural college and school of mines: *Provided*, That nothing in this act shall be held to interfere with or destroy any legal claim of any person or corporation to any part of said lands under the homestead or other law for the disposal of the public lands acquired prior to the approval of this act: *Provided further*, That so much of the said land as is now used by the Government of the United States as an agricultural experiment station may continue to be used for such purpose until abandoned for that use by an order of the President of the United States or by act of Congress.

Approved March 4, 1915 (38 Stat. L. 1214).

AN ACT Making an additional grant of lands for the support and maintenance of the Agricultural College and School of Mines of the Territory of Alaska, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in addition to the provision made by the act of Congress approved March 4, 1915 (Thirty-eighth Statutes at Large, page 1214), for the use and benefit of the Agricultural College and School of Mines, there is hereby granted to the Territory of Alaska, for the exclusive use and benefit of the Agricultural College and School of Mines, one hundred thousand acres of vacant nonmineral surveyed unreserved public lands in the Territory of Alaska, to be selected, under the direction and subject to the approval of the Secretary of the Interior, by the Territory, and subject to the following conditions and limitations:

SEC. 2. That the college and school provided for in this act shall forever remain under the exclusive control of the said Territory, and no part of the proceeds arising from the sale or disposal of any lands granted herein shall be used for the support of any sectarian or denominational college or school.

SEC. 3. That it is hereby declared that all lands hereby granted to said Territory are hereby expressly transferred and confirmed to the said Territory and shall be by the said Territory held in trust, to be disposed of, in whole or in part, only in the manner herein provided and for the objects specified in the granting provisions, and that the natural products and money proceeds of any of said lands shall be subject to the same trusts as the lands producing the same. Disposition of any of said lands or of any money or thing of value directly or indirectly derived therefrom for any object other than that for which such particular lands or the lands from which such money or thing of value shall have been derived or granted or in any manner contrary to the provisions of this act shall be deemed a breach of trust.

SEC. 4. That no mortgage or other encumbrance of said lands shall be valid in favor of any person for any purpose or under any circumstances whatsoever. Said lands shall not be sold nor leased, in whole or in part, except to the highest bidder at public auction, notice of which public auction shall first have been duly given by advertisement, which shall set forth the nature, time, and place of the transaction to be had, with full description of the lands to be offered, published once each week for not less than ten successive weeks in a newspaper of general circulation published regularly at the capital and in a newspaper of like circulation which shall then be regularly published nearest to the location of the lands so offered; nor shall any sale or contract for the sale of any timber or other natural product of such lands be made, save at the place, in the manner, and after the notice thus provided for sales and leases of the lands themselves: *Provided*, That nothing herein contained shall prevent said Territory from leasing any of said lands referred to in this section for a term of five years or less without such advertisement herein required.

SEC. 5. That all lands, leasehold, timber, and other products of the land before being offered shall be appraised at their true value, and no sale or other disposal thereof shall be made for a consideration less than the value so ascertained, nor, in case of the sale of the land, less than a minimum price of \$5 per acre; nor upon credit unless accompanied by ample security, and the legal title shall not be deemed to have passed until the consideration shall have been paid.

SEC. 6. That a fund shall be established in the Territorial treasury to carry out the purposes of this act, and whenever any money shall be in any manner derived from any of the land granted same shall be deposited in the Territorial treasury in the fund. The Territorial treasurer shall keep all such money invested in safe interest-bearing securities, which securities shall be approved by the Governor and the secretary of state of the Territory, and shall at all times be under a good and sufficient bond or bonds conditioned for the faithful performance of his duties in regard thereto, as defined by this act and the laws of the Territory not in conflict herewith. The income from said fund may and shall be used exclusively for the purposes of such Agricultural College and School of Mines: *Provided*, That no portion of said income shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings.

SEC. 7. That every sale, lease, conveyance, or contract of or concerning any of the lands hereby granted or confirmed or the use thereof of the natural products thereof, not made in substantial conformity with the provisions of this act, shall be null and void. It shall be the duty of the Attorney General of the United States to prosecute in the name of the United States and in its courts such proceedings at law or in equity as may from time to time be necessary and appropriate to enforce the provisions hereof relative to the application and disposition of the said lands and the products thereof and the funds derived therefrom.

Approved January 21, 1929 (45 Stat. L. 1091).

#### TRANSFER OF FAIRBANKS AND MATANUSKA STATIONS TO THE ALASKA AGRICULTURAL COLLEGE AND SCHOOL OF MINES

Extract from an act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1932

The Secretary of Agriculture is authorized to turn over to the Agricultural College and School of Mines of Alaska the tract of land and buildings near Fairbanks, Alaska, now occupied and used by the Department of Agriculture as an experiment station, together with such equipment at the station as is not

needed at the other agricultural stations maintained in Alaska by the Department of Agriculture (46 Stat. L. 1245).

(See also letter of the Secretary of Agriculture to the president of the Alaska Agricultural College and School of Mines, of March 13, 1931.)

Extract from an order of the Secretary of Agriculture of July 7, 1932, transferring the Matanuska Station

In accordance with authority vested in me by the act of Congress, approved July 7, 1932 [An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1933], there is hereby transferred to the Alaska Agricultural College and School of Mines the property known as the Matanuska Agricultural Experiment Station together with all appurtenances and such livestock and equipment at the station as is desired by the Alaska Agricultural College and School of Mines for its use.

#### EMPLOYER CONTRIBUTIONS TO RETIREMENT SYSTEMS

AN ACT To aid the States and Territories in making provisions for the retirement of employees of the land-grant colleges

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, pursuant to the recognized obligations of governments to guarantee the social security of their employees and in order to provide for the retirement on an annuity, or otherwise, of all persons being paid salaries in whole or in part from grants of Federal funds to the several States and Territories pursuant to the terms of the Act approved July 2, 1862, for the endowment and support of colleges of agriculture and mechanic arts, and Acts supplementary thereto providing for instruction in agriculture and mechanic arts, for the establishment of agricultural experiment stations, and for cooperative extension work in agriculture and home economics, all States and Territories are hereafter authorized, notwithstanding any contrary provisions in said Acts, to withhold from expenditure, from Federal funds advanced under the terms of said Acts, amounts designated as employer contributions to be made by the States or Territories to retirement systems established in accordance with the laws of such States or Territories, or established by the governing boards of colleges of agriculture and mechanic arts in accordance with the authority vested in them, and to deposit such amounts to the credit of such retirement systems for subsequent disbursement in accordance with the terms of the retirement systems in effect in the respective States and Territories: *Provided*, That there shall not be deducted from Federal funds and deposited to the credit of retirement accounts as employer contributions, amounts in excess of 5 per centum of that portion of the salaries of employees paid from such Federal funds: *Provided further*, That, for the purpose of making deposits and contributions in retirement systems in favor of any employee, in no event shall the deductions from any Federal fund advanced pursuant to the foregoing Acts be in greater proportion to the total deductions for such employee than the salary received under such Federal funds bears to the total salary from Federal sources: *Provided further*, That the deposits and contributions from funds of Federal origin to any retirement system established by a State or a land-grant college must be at least equaled by the total contributions thereto on the part of the individuals concerned, the State, and the counties: *And provided further*, That no deductions for the foregoing purposes shall be made from Federal funds in support of employees appointed pursuant to the terms of the foregoing Acts, whose salaries are paid wholly by the States or Territories: *Provided further*, That the provisions of this Act shall not apply to any employee paid in whole or in part from Federal funds who may be subject to the United States Civil Service Retirement Act, as amended.

Approved, March 4, 1940 (54 Stat. L. 39).



LEGISLATION AUTHORIZING FEDERAL GRANTS FOR AGRICULTURAL  
EXPERIMENT STATIONS

## ACT OF 1887 ESTABLISHING AGRICULTURAL EXPERIMENT STATIONS

[Hatch Act]

AN ACT To establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established under direction of the college or colleges or agricultural departments of colleges in each State or Territory established, or which may hereafter be established, in accordance with the provisions of an act approved July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," or any of the supplements to said act, a department to be known and designated as an "agricultural experiment station": *Provided,* That in any State or Territory in which two such colleges have been or may be so established the appropriation hereinafter made to such State or Territory shall be equally divided between such colleges, unless the legislature of such State or Territory shall otherwise direct.

SEC. 2. That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under the varying series of crops; the capacity of new plants or trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test the comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States and Territories.

SEC. 3. That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner [now Secretary] of Agriculture to furnish forms, as far as practicable, for the tabulation of results of investigation or experiment; to indicate from time to time such lines of inquiry as to him shall seem most important, and, in general, to furnish such advice and assistance as will best promote the purpose of this act. It shall be the duty of each of said stations annually, on or before the first day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Commissioner [now Secretary] of Agriculture, and to the Secretary of the Treasury of the United States.

SEC. 4. That bulletins or reports of progress shall be published at said stations at least once in three months, one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General may from time to time prescribe.

SEC. 5. That for the purpose of paying the necessary expenses of conducting investigations and experiments and printing and distributing the results as hereinbefore prescribed, the sum of fifteen thousand dollars per annum is hereby appropriated to each State, to be specially provided for by Congress in the appropriations from year to year, and to each Territory entitled under the



provisions of section eight of this act, out of any money in the Treasury proceeding from the sales of public lands, to be paid in equal quarterly payments on the first day of January, April, July, and October in each year, to the treasurer or other officer duly appointed by the governing boards of said colleges to receive the same, the first payment to be made on the first day of October, eighteen hundred and eighty-seven: *Provided, however*, That out of the first annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding five per centum of such annual appropriation may be so expended.

SEC. 6. That whenever it shall appear to the Secretary of the Treasury from the annual statement of receipts and expenditures of any of said stations that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support.

SEC. 7. That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States or Territories in which they are respectively located.

SEC. 8. That in States having colleges entitled under this section to the benefits of this act and having also agricultural experiment stations established by law separate from said colleges, such States shall be authorized to apply such benefits to experiments at stations so established by such States; and in case any State shall have established, under the provisions of said act of July second aforesaid, an agricultural department or experiment station in connection with any university, college, or institution not distinctly an agricultural college or school, and such State shall have established or shall hereafter establish a separate agricultural college or school, which shall have connected therewith an experimental farm or station, the legislature of such State may apply in whole or in part the appropriation by this act made to such separate agricultural college or school, and no legislature shall by contract, express or implied, disable itself from so doing.

SEC. 9. That the grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payment of such installment of the appropriation herein made as shall become due to any State before the adjournment of the regular session of its legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof duly certified to the Secretary of the Treasury.

SEC. 10. Nothing in this act shall be held or construed as binding the United States to continue any payments from the Treasury to any or all the States or institutions mentioned in this act, but Congress may at any time amend, suspend, or repeal any or all the provisions of this act.

Approved March 2, 1857 (24 Stat. L. 440).

#### ACT OF 1888 AMENDING THE HATCH ACT

AN ACT To amend an act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and the acts supplementary thereto"

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the grants of money authorized by the act of Congress entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of acts supplementary thereto," are subject as therein provided to the legislative assent of the States or Territories to be affected thereby; but as to such installments of the appropriations as may be now due or may hereafter become due, when the legislature may not be in session, the governor of said State or Territory may make the assent therein provided, and upon a duly certified copy thereof to the Secretary of the Treasury he shall cause the same to be paid in the manner provided in the act of which this is amendatory, until the termination of the next regular session of the legislature of such State or Territory.

Approved June 7, 1888 (25 Stat. L. 176).

## ACT OF 1906 FOR THE FURTHER ENDOWMENT OF AGRICULTURAL EXPERIMENT STATIONS

[Adams Act]

AN ACT To provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory, for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the act of Congress approved March second, eighteen hundred and eighty-seven, the sum of five thousand dollars in addition to the sum named in said act for the year ending June thirtieth, nineteen hundred and six, and an annual increase of the amount of such appropriation thereafter for five years by an additional sum of two thousand dollars over the preceding year, and the annual amount to be paid thereafter to each State or Territory shall be thirty thousand dollars, to be applied only to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States, having due regard to the varying conditions and needs of the respective States or Territories.

SEC. 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of agricultural experiment stations shall be annually paid in equal quarterly payments on the first day of January, April, July, and October of each year by the Secretary of the Treasury, upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards of said experiment stations to receive the same, and such officers shall be required to report to the Secretary of Agriculture on or before the first day of September of each year a detailed statement of the amount so received and of its disbursements, on schedules prescribed by the Secretary of Agriculture. The grants of money authorized by this act are made subject to legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payment of such installments of the appropriation herein made as shall become due to any State or Territory before the adjournment of the regular session of legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified by the Secretary of the Treasury.

SEC. 3. That if any portion of the moneys received by the designated officer of any State or Territory for the further and more complete endowment, support, and maintenance of agricultural experiment stations as provided in this act shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys exceeding five per centum of each annual appropriation shall be applied directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings, or to the purchase or rental of land. It shall be the duty of each of said stations annually, on or before the first day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the Secretary of Agriculture, and to the Secretary of the Treasury of the United States.

SEC. 4 That on or before the first day of July in each year after the passage of this act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is complying with the provisions of this act and is entitled to receive its share of the annual appropriation for agricultural experiment stations under this act and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold a certificate from any State or Territory of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it shall so desire, appeal to Congress from the determination of the Secretary

of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury; and the Secretary of Agriculture is hereby charged with the proper administration of this law.

SEC. 5. That the Secretary of Agriculture shall make an annual report to Congress on the receipts and expenditures and work of the agricultural experiment stations in all of the States and Territories, and also whether the appropriation of any State or Territory has been withheld, and if so, the reason therefor.

SEC. 6. That Congress may at any time amend, suspend, or repeal any or all of the provisions of this act.

Approved March 16, 1906 (34 Stat. L. 63).

Section 1 of the Adams Act was clarified and construed to limit the annual appropriation under the act to \$15,000 for each State and Territory in the act making appropriations for the United States Department of Agriculture for the fiscal year ended June 30, 1907 (34 Stat. L. 669, 696).

#### ACT OF 1925 FOR THE MORE COMPLETE ENDOWMENT OF THE AGRICULTURAL EXPERIMENT STATIONS

[Purnell Act]

AN ACT To authorize the more complete endowment of agricultural experiment stations, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.* That for the more complete endowment and maintenance of agricultural experiment stations now established, or which may hereafter be established, in accordance with the act of Congress approved March 2, 1887, there is hereby authorized to be appropriated, in addition to the amounts now received by such agricultural experiment stations, the sum of \$20,000 for the fiscal year ending June 30, 1926; \$30,000 for the fiscal year ending June 30, 1927; \$40,000 for the fiscal year ending June 30, 1928; \$50,000 for the fiscal year ending June 30, 1929; \$60,000 for the fiscal year ending June 30, 1930; and \$60,000 for each fiscal year thereafter, to be paid to each State and Territory; and the Secretary of Agriculture shall include the additional sums above authorized to be appropriated in the annual estimates of the Department of Agriculture, or in a separate estimate, as he may deem best. The funds appropriated pursuant to this act shall be applied only to paying the necessary expenses of conducting investigations or making experiments bearing directly on the production, manufacture, preparation, use, distribution, and marketing of agricultural products and including such scientific researches as have for their purpose the establishment and maintenance of a permanent and efficient agricultural industry, and such economic and sociological investigations as have for their purpose the development and improvement of the rural home and rural life, and for printing and disseminating the results of said researches.

SEC. 2. That the sums hereby authorized to be appropriated to the States and Territories for the further endowment and support of agricultural experiment stations shall be annually paid in equal quarterly payments on the 1st day of January, April, July, and October of each year by the Secretary of the Treasury upon a warrant of the Secretary of Agriculture out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards of such agricultural experiment stations to receive the same and such officers shall be required to report to the Secretary of Agriculture on or before the 1st day of September of each year a detailed statement of the amount so received and of its disbursement on schedules prescribed by the Secretary of Agriculture. The grants of money authorized by this act are made subject to legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payment of such installments of the appropriation herein authorized to be made as shall become due to any State or Territory before the adjournment of the regular session of the legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof duly certified to the Secretary of the Treasury.

SEC. 3. That if any portion of the moneys received by the designated officer of any State or Territory for the further and more complete endowment, sup-



port, and maintenance of agricultural experiment stations as provided in this act shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory, and no portion of said moneys exceeding 10 per centum of each annual appropriation shall be applied directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings or to the purchase or rental of land. It shall be the duty of each of the said stations annually, on or before the 1st day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures for the fiscal year next preceding, a copy of which report shall be sent to each of the said stations and the Secretary of Agriculture and to the Secretary of the Treasury of the United States.

SEC. 4. That on or before the 1st day of July in each year after the passage of this act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is complying with the provisions of this act and is entitled to receive its share of the annual appropriations for agricultural experiment stations under this act and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold from any State or Territory a certificate of its appropriation, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress in order that the State or Territory may, if it shall so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. The Secretary of Agriculture is hereby charged with the proper administration of this law.

SEC. 5. That the Secretary of Agriculture shall make an annual report to Congress on the receipts and expenditures and work of the agricultural experiment stations in all of the States and Territories, and also whether the appropriation of any State or Territory has been withheld; and if so, the reason therefor.

SEC. 6. That Congress may at any time amend, suspend, or repeal any and all of the provisions of this act.

Approved February 24, 1925 (43 Stat. L. 970).

#### ACT OF 1923 EXTENDING THE BENEFITS OF THE EXPERIMENT STATION AND EXTENSION ACTS TO HAWAII

AN ACT To extend the benefits of certain acts of Congress to the Territory of Hawaii

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That beginning with the fiscal year ending June 30, 1929, the Territory of Hawaii shall be entitled to share in the benefits of the act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887, as amended and supplemented, and of the act entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, and of acts supplementary thereto: *Provided*, That the experiment station so established shall be conducted jointly and in collaboration with the existing Federal experiment station in Hawaii in enlarging and expanding the work of the said Federal station on cooperative plans approved by the Secretary of Agriculture; and the Secretary of Agriculture shall coordinate the work of the Territorial station with that of the Federal station and of the United States Department of Agriculture in the islands: *Provided further*, That the Territory of Hawaii shall make provision for such additional buildings and permanent equipment as may be necessary for the development of the work.

SEC. 2. To carry into effect the above provisions for extending to Hawaii the benefits of the act of March 2, 1887, and supplementary acts in the order and amounts designated by these acts, the following sums are hereby authorized to be appropriated in addition to the amounts appropriated to the Department of Agriculture for use in Hawaii: \$15,000 for the fiscal year ending June 30,



1930; \$20,000 for the fiscal year ending June 30, 1931; \$22,000 for the fiscal year ending June 30, 1932; \$24,000 for the fiscal year ending June 30, 1933; \$26,000 for the fiscal year ending June 30, 1934; \$28,000 for the fiscal year ending June 30, 1935; \$30,000 for the fiscal year ending June 30, 1936; \$50,000 for the fiscal year ending June 30, 1937; \$60,000 for the fiscal year ending June 30, 1938; \$70,000 for the fiscal year ending June 30, 1939; \$80,000 for the fiscal year ending June 30, 1940; and \$90,000 for the fiscal year ending June 30, 1941, and thereafter a sum equal to that provided for each State and Territory for agricultural experiment stations established under the act of March 2, 1887.

SEC. 3. The permanent annual appropriations provided for in section 3 of said act of May 8, 1914, and of acts supplementary thereto are hereby authorized to be increased by an amount necessary to carry out the provisions of this act but without diminishing or increasing the amount which any State is entitled to under the provisions of said act of May 8, 1914, and of acts supplementary thereto.

Approved May 16, 1928 (45 Stat. L. 571).

**ACT OF 1929 EXTENDING THE BENEFITS OF THE HATCH ACT AND THE SMITH-LEVER ACT TO THE TERRITORY OF ALASKA**

**AN ACT** To extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following acts, to wit, an act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887, as amended and supplemented, and known as the Hatch Act; and an act entitled "An act to provide for cooperative extension work between the agricultural colleges in the United States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, and known as the Smith-Lever Act, be, and the same are hereby, extended to the Territory of Alaska: *Provided*, That no appropriations shall be made under this act until annually estimated as to funds and amounts by the Secretary of Agriculture; the estimates to be based upon his determination of the ability of the Territory of Alaska to make effective use of the funds.

With the approval of the Secretary of Agriculture, agricultural experiment substations, to the number of not more than two, may be maintained under the provisions of the Hatch Act.

Approved February 23, 1929 (45 Stat. L. 1256).

**ACT OF 1931 EXTENDING THE BENEFITS OF THE HATCH AND SUPPLEMENTARY ACTS TO THE TERRITORY OF PUERTO RICO**

**AN ACT** To coordinate the agricultural experiment-station work and to extend the benefits of certain acts of Congress to the Territory of Puerto Rico

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That beginning with the fiscal year ending June 30, 1933, the Territory of Puerto Rico shall be entitled to share in the benefits of the act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887, as amended and supplemented, and of the act entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, and of acts supplementary thereto: *Provided*, That the experiment station so established shall be connected with the College of Agriculture of the University of Puerto Rico and it shall be conducted jointly and in collaboration with the existing Federal experiment station in Puerto Rico in enlarging and expanding the work of the said Federal station on cooperative plans approved by the Secretary of Agriculture; and the Secretary of Agriculture shall coordinate the work of the Territorial stations with that of the Federal station and of the United States Department of Agriculture in the island; *Provided further*,

That the several experiment stations now conducted by the insular government shall be transferred to and coordinated with the experiment station of the College of Agriculture of the University of Puerto Rico, together with whatever funds that are available for the support of the same, and the Secretary of Agriculture may at his discretion transfer such land, buildings, and equipment as he may deem necessary to the experiment station of the College of Agriculture of the University of Puerto Rico: *Provided further*, That the Territory of Puerto Rico shall make provision for such additional buildings and permanent equipment as may be necessary for the development of the work.

SEC. 2. To carry into effect the above provisions for extending to Puerto Rico the benefits of the act of March 2, 1887, and supplementary acts in the order and amounts designated by these acts, the following sums are hereby authorized to be appropriated in addition to the amounts appropriated to the Department of Agriculture for use in Puerto Rico; \$15,000 for the fiscal year ending June 30, 1933; \$20,000 for the fiscal year ending June 30, 1934; \$25,000 for the fiscal year ending June 30, 1935; \$30,000 for the fiscal year ending June 30, 1936; \$35,000 for the fiscal year ending June 30, 1937; \$40,000 for the fiscal year ending June 30, 1938; \$45,000 for the fiscal year ending June 30, 1939; \$50,000 for the fiscal year ending June 30, 1940; \$60,000 for the fiscal year ending June 30, 1941; \$70,000 for the fiscal year ending June 30, 1942; \$80,000 for the fiscal year ending June 30, 1943; and \$90,000 for the fiscal year ending June 30, 1944, and thereafter a sum equal to that provided for each State and Territory for agricultural experiment stations established under the act of March 2, 1887.

SEC. 3. The permanent annual appropriations provided for in section 3 of said act of May 8, 1914, and of acts supplementary thereto are hereby authorized to be increased by an amount necessary to carry out the provisions of this act, but without diminishing or increasing the amount to which any State or the Territory of Hawaii is entitled under the provisions of said act of May 8, 1914, and of acts supplementary thereto: *Provided*, That for the fiscal year 1933 the total amount available to the Territory of Puerto Rico under the terms of the act of May 8, 1914, shall be \$50,000, this amount to be increased by \$10,000 annually, or such part thereof as may be necessary, until the total to which Puerto Rico is entitled under the provisions of this act is reached. Participation in other Federal appropriations for cooperative extension work, including those authorized by the act of May 22, 1928, shall be at such times and in such amounts as shall be estimated by the Secretary of Agriculture and appropriated by the Congress.

Approved March 4, 1931 (46 Stat. L. 1520).

**ACT OF 1935 PROVIDING FOR FURTHER AGRICULTURAL RESEARCH BY THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE AGRICULTURAL EXPERIMENT STATIONS AND FOR OTHER PURPOSES**

[Bankhead-Jones Act]

AN ACT To provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

TITLE I

SECTION 1. The Secretary of Agriculture is authorized and directed to conduct research into laws and principles underlying basic problems of agriculture in its broadest aspects; research relating to the improvement of the quality of, and the development of new and improved methods of production of, distribution of, and new and extended uses and markets for, agricultural commodities and byproducts and manufactures thereof; and research relating to the conservation, development, and use of land and water resources for agricultural purposes. Research authorized under this section shall be in addition to research provided for under existing law (but both activities shall be coordinated so far as practicable) and shall be conducted by such agencies of the Department of Agriculture as the Secretary may designate or establish.

SEC. 2. The Secretary is also authorized and directed to encourage research similar to that authorized under section 1 to be conducted by agricultural ex-

periment stations established or which may hereafter be established in pursuance of the act of March 2, 1887, providing for experiment stations, as amended and supplemented, by the allotment and payment as provided in section 5 to Puerto Rico and the States and Territories for the use of such experiment stations of sums appropriated therefor pursuant to this title.

SEC. 3. For the purposes of this title there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000 for the fiscal year beginning after the date of the enactment of this title, and for each of the four fiscal years thereafter \$1,000,000 more than the amount authorized for the preceding fiscal year, and \$5,000,000 for each fiscal year thereafter. Moneys appropriated in pursuance of this title shall also be available for the purchase and rental of land and the construction of buildings necessary for conducting research provided for in this title, for the equipment and maintenance of such buildings, and for printing and disseminating the results of research. Sums appropriated in pursuance of this title shall be in addition to, and not in substitution for, appropriations for research or other activities of the Department of Agriculture and sums appropriated or otherwise made available for agricultural experiment stations.

SEC. 4. Forty per centum of the sums appropriated for any fiscal year under section 3 shall be available for the purposes of section 1: *Provided*, That not to exceed 2 per centum of the sums appropriated may be used for the administration of section 5 of this title. The sums available for the purposes of section 1 shall be designated as the "Special research fund, Department of Agriculture," and no part of such special fund shall be used for the prosecution of research heretofore instituted or for the prosecution of any new research project except upon approval in writing by the Secretary. One-half of such special research fund shall be used by the Secretary for the establishment and maintenance of research laboratories and facilities in the major agricultural regions at places selected by him and for the prosecution, in accordance with section 1, of research at such laboratories.

SEC. 5. (a) Sixty per centum of the sums appropriated for any fiscal year under section 3 shall be available for the purposes of section 2. The Secretary shall allot, for each fiscal year for which an appropriation is made, to Puerto Rico and each State and Territory an amount which bears the same ratio to the total amount to be allotted as the rural population of Puerto Rico or the State or Territory bears to the rural population of Puerto Rico and all the States and Territories as determined by the last preceding decennial census. No allotment and no payment under any allotment shall be made for any fiscal year in excess of the amount which Puerto Rico or the State or Territory makes available for such fiscal year out of its own funds for research and for the establishment and maintenance of necessary facilities for the prosecution of such research. If Puerto Rico or any State or Territory fails to make available for such purposes for any fiscal year a sum equal to the total amount to which it may be entitled for such year, the remainder of such amount shall be withheld by the Secretary. The total amount so withheld may be allotted by the Secretary of Agriculture to Puerto Rico and the States and Territories which make available for such year an amount equal to that part of the total amount withheld which may be allotted to them by the Secretary of Agriculture, but no such additional allotment to Puerto Rico or any State or Territory shall exceed the original allotment to Puerto Rico or such State or Territory for that year by more than 20 per centum thereof.

(b) The sums authorized to be allotted to Puerto Rico and the States and Territories shall be paid annually in quarterly payments on July 1, October 1, January 1, and April 1. Such sums shall be paid by the Secretary of the Treasury upon warrant of the Secretary of Agriculture in the same manner and subject to the same administrative procedure set forth in the act of March 2, 1887, as amended June 7, 1888.

SEC. 6. As used in this title the term "Territory" means Alaska and Hawaii.

SEC. 7. The Secretary of Agriculture is authorized and directed to prescribe such rules and regulations as may be necessary to carry out this act.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

#### TITLE II

SECTION 21. In order to further develop the cooperative extension system as inaugurated under the act entitled "An act to provide for cooperative agricul-



tural extension work between the agricultural colleges in the several States receiving the benefits of the act of Congress approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914 (U. S. C., title 7, secs. 341-348), there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the expenses of cooperative extension work in agriculture and home economics and the necessary printing and distribution of information in connection with the same, the sum of \$8,000,000 for the fiscal year beginning after the date of the enactment of this title, and for the fiscal year following the first fiscal year for which an appropriation is made in pursuance of the foregoing authorization the additional sum of \$1,000,000, and for each succeeding fiscal year thereafter an additional sum of \$1,000,000 until the total appropriations authorized by this section shall amount to \$12,000,000 annually, the authorization to continue in that amount for each succeeding fiscal year. The sums appropriated in pursuance of this section shall be paid to the several States and the Territory of Hawaii in the same manner and subject to the same conditions and limitations as the additional sums appropriated under the act of May 8, 1914, except that (1) \$980,000 shall be paid to the several States and the Territory of Hawaii in equal shares; (2) the remainder shall be paid to the several States and the Territory of Hawaii in the proportion that the farm population of each bears to the total farm population of the several States and the Territory of Hawaii, as determined by the last preceding decennial census, and (3) the several States and the Territory of Hawaii shall not be required to offset the allotments authorized in this section. The sums appropriated pursuant to this section shall be in addition to, and not in substitution for, sums appropriated under such act of May 8, 1914, as amended and supplemented, or sums otherwise appropriated for agricultural extension work. Allotments to any State or the Territory of Hawaii for any fiscal year from the appropriations herein authorized shall be available for payment to such State or the Territory of Hawaii only if such State or the Territory of Hawaii complies, for such fiscal year, with the provisions with reference to offset of appropriations (other than appropriations under this section) for agricultural extension work.

SEC. 22. In order to provide for the more complete endowment and support of the colleges in the several States and the Territory of Hawaii entitled to the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, as amended and supplemented (U. S. C., title 7, secs. 301-328; Supp. VII, sec. 304), there are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, the following amounts:

(a) For the fiscal year beginning after the date of the enactment of this act, and for each fiscal year thereafter, \$980,000; and

(b) For the fiscal year following the first fiscal year for which an appropriation is made in pursuance of paragraph (a) \$500,000, and for each of the two fiscal years thereafter \$500,000 more than the amount authorized to be appropriated for the preceding fiscal year, and for each fiscal year thereafter \$1,500,000. The sums appropriated in pursuance of paragraph (a) shall be paid annually to the several States and the Territory of Hawaii in equal shares. The sums appropriated in pursuance of paragraph (b) shall be in addition to sums appropriated in pursuance of paragraph (a) and shall be allotted and paid annually to each of the several States and the Territory of Hawaii in the proportion which the total population of each such State and the Territory of Hawaii bears to the total population of all the States and the Territory of Hawaii, as determined by the last preceding decennial census. Sums appropriated in pursuance of this section shall be in addition to sums appropriated or authorized under such act of July 2, 1862, as amended and supplemented, and shall be applied only for the purposes of the colleges defined in such act, as amended and supplemented. The provisions of law applicable to the use and payment of sums under the act entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two," approved August 30, 1890, as amended and supplemented, shall apply to the use and payment of sums appropriated in pursuance of this section.

Approved June 29, 1935 (49 Stat. L. 436).



**ACT OF 1936 EXTENDING THE BENEFITS OF THE ADAMS ACT, THE PURNELL ACT, AND THE CAPPER-KETCHAM ACT TO THE TERRITORY OF ALASKA**

AN ACT To extend the benefits of the Adams Act, the Purnell Act, and the Capper-Ketcham Act to the Territory of Alaska, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following acts, to wit, an act entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," approved March 16, 1906, and known as the Adams Act; an act entitled "An act to authorize the more complete endowment of agricultural experiment stations, and for other purposes," approved February 24, 1925, and known as the Purnell Act; and an act entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefit of the act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 22, 1928, and known as the Capper-Ketcham Act, be, and the same are hereby, extended to the Territory of Alaska.

SEC. 2. To carry into effect the above provisions for extending to the Territory of Alaska to the extent herein provided, the benefits of the said Adams Act and the said Purnell Act the following sums are hereby authorized to be appropriated: For the fiscal year ending June 30, 1937, \$5,000; for the fiscal year ending June 30, 1938, \$7,500; for the fiscal year ending June 30, 1939, \$10,000; for the fiscal year ending June 30, 1940, \$12,500; for the fiscal year ending June 30, 1941, \$15,000; for the fiscal year ending June 30, 1942, \$17,500; for the fiscal year ending June 30, 1943, \$20,000; for the fiscal year ending June 30, 1944, \$22,500; for the fiscal year ending June 30, 1945, \$27,500; for the fiscal year ending June 30, 1946, \$32,500; for the fiscal year ending June 30, 1947, \$37,500; and thereafter a sum equal to one-half of that provided for each State and Territory under the said Adams Act and the said Purnell Act; *Provided*, That no appropriations shall be made under this act until annually estimated as to funds and amounts by the Secretary of Agriculture, the estimates to be based upon his determination of the ability of the Territory of Alaska to make effective use of the funds in maintaining agricultural experiment stations.

SEC. 3. To carry into effect the above provisions for extending to the Territory of Alaska, to the extent herein provided, the benefits of the said Capper-Ketcham Act the following sums are hereby authorized to be appropriated: For the fiscal year ending June 30, 1937, \$2,500; for the fiscal year ending June 30, 1938, \$5,000; for the fiscal year ending June 30, 1939, \$7,500; for the fiscal year ending June 30, 1940, and annually thereafter, \$10,000; *Provided*, That no appropriations shall be made under this act until annually estimated as to funds and amounts by the Secretary of Agriculture, the estimates to be based upon his determination of the ability of the Territory of Alaska to make effective use of the funds: *And provided further*, That whereas the said Capper-Ketcham Act provides that "at least 80 per centum of all appropriations under this act shall be utilized for the payment of salaries of extension agents in counties of the several States to further develop the cooperative extension system in agriculture and home economics with men, women, boys, and girls," the several established judicial divisions of the Territory of Alaska, as the same shall exist from time to time, shall be considered as counties for the purpose of complying with the provisions of this act until a subdivision of the Territory of Alaska into counties is effected.

Approved June 20, 1936 (49 Stat. L. 1553).

**ADMINISTRATION OF FEDERAL-GRANT FUNDS FOR EXPERIMENT STATION WORK**

The following acts of Congress authorize the appropriation of Federal funds to the States, Territories, and Puerto Rico for the establishment and maintenance of agricultural experiment stations and the conduct of research and experiments along lines specified by the acts: The Hatch Act of March 2, 1887, the Adams Act of March 16, 1906,

the Purnell Act of February 24, 1925, the Hawaii Act of May 16, 1928, the Alaska Acts of February 23, 1929, and June 20, 1936 (section 2), the Puerto Rico Act of March 4, 1931, and Title I of the Bankhead-Jones Act of June 29, 1935.

#### ADMINISTRATIVE AUTHORITY OF THE DEPARTMENT OF AGRICULTURE

##### ADMINISTRATION

The Secretary of Agriculture is charged with the proper administration of the acts affecting the experiment stations. The Office of Experiment Stations represents the Secretary of Agriculture in the administration of these acts, including examination of the work and expenditures of the experiment stations under the Federal acts, the fulfillment of Bankhead-Jones offset requirements, coordinating the research work of the Department of Agriculture with that of the experiment stations, and reporting annually thereon to Congress, as provided by the acts.

The Department of Agriculture appropriation act of 1894 making appropriations under the Hatch Act directed the Secretary of Agriculture to "prescribe the form of annual financial statement" and to "ascertain whether the expenditures under the appropriations hereby made are in accordance with the provisions of the said act and make report thereon to Congress."

The acts authorizing and appropriating the Federal-grant funds require that the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury on or before July 1 in each year whether each State and Territory is complying with the provisions of these acts and is entitled to receive its share of the annual appropriation for agricultural experiment stations under the acts. It is to be noted that the Comptroller General has specifically ruled (Jan. 17, 1924), with respect to the Adams Act, that—

the requirements appear clear and susceptible of but one interpretation, that being that the ascertainment of the necessary facts for making the certificates and the actual certifications shall be "on or before the first day of July in each year"; ascertainment of the facts and certifications after July 1, "as of July 1," do not meet the requirements of the act.

##### COORDINATION

The Hatch Act stipulates that the Secretary of Agriculture shall "indicate from time to time such lines of inquiry as to him shall seem most important, and, in general, to furnish such advice and assistance as will best promote the purpose of this act."

The Department of Agriculture appropriation act of 1916, making appropriations under the Hatch and Adams Acts, carried a provision in addition to that of the appropriation act of 1894 and subsequent years directing the Secretary of Agriculture to "coordinate the work of the Department of Agriculture with that of the State agricultural colleges and experiment stations in the lines authorized in said acts." Beginning with the year 1937, and currently, the wording of the authorization and direction under the annual appropriation acts covering the Hatch, Adams, Purnell, and supplementary acts, has been—

the Secretary of Agriculture shall prescribe the form of the annual financial statement required under the above acts [Hatch, Adams, Purnell, and Supplementary], ascertain whether the expenditures are in accordance with their pro-

visions, \* \* \* and coordinate the research work of the Department [of Agriculture] with that of the State agricultural colleges and experiment stations in the lines authorized in said acts, and make report thereon to Congress.

#### APPROVAL OF PROJECTS AND BUDGETS

Advance approval of projects and budgets by the Office of Experiment Stations is required under the regulations prescribed in the administration of the Adams, Purnell, and Bankhead-Jones Acts, but has not been required in the case of the Hatch Act. The annual program of research and budget under the Bankhead-Jones Act is to be submitted on or before June 15. (Secretary's letter, Sept. 11, 1935.) The programs and budgets under the Adams and Purnell Acts are to be submitted prior to July 1. (Secretary's letter, May 20, 1925.) It is desirable that programs and budgets under the Federal-grant funds should have sufficient flexibility to permit the stations to meet unforeseen problems as they arise.

The Adams, Purnell, and Bankhead-Jones funds are available only for investigations within the purposes outlined in the respective acts. To assure compliance it is necessary that expenditures of funds under a respective act be accounted for as separate units of expenditures for research. Effective use and evidence of compliance is best accomplished by administration of the work and funds on the basis of separate programs of specific projects representing definite pieces of investigation within the purposes of the respective acts. Departures from this principle of individual projects supported from only one fund should be fully justified.

Official approval of a cooperative agreement or memorandum of understanding does not constitute approval of the use of Adams, Purnell, and Bankhead-Jones funds on research projects. Where these Federal-grant funds are to be used for research projects under these memoranda, project outlines should be submitted for separate approval and record.

#### APPROPRIATIONS OF FEDERAL-GRANT FUNDS

##### PROVISIONS RELATING TO PAYMENTS

The amounts appropriated under the provisions of the Hatch, Adams, Purnell, and Bankhead-Jones Acts are paid in equal quarterly installments on the first day of July, October, January, and April in each fiscal year. Payment is made by the Secretary of the Treasury, upon a warrant of the Secretary of Agriculture, to the treasurer or other officer duly appointed by the governing board of the land-grant college or agricultural experiment station to receive the same.

Appropriations under the Bankhead-Jones Act are apportioned to the different States and Territories and Puerto Rico on the basis of their respective rural populations, and this act provides for an equivalent offset as follows—

No allotment and no payment under any allotment shall be made for any fiscal year in excess of the amount which Puerto Rico or the State or Territory makes available for such fiscal year out of its own funds for research and for the establishment and maintenance of necessary facilities for the prosecution of such research.



## OFFSET REQUIREMENTS

As the Bankhead-Jones Act stipulates that no State or Territory may receive under this allotment for any fiscal year an amount greater than the sum it makes available for such fiscal year out of its own funds for research relating to agriculture and for the establishment and maintenance of necessary facilities for such research, it is necessary for each experiment station to submit a guaranty satisfactory to the Department of Agriculture as to the amount of offset funds which will be made available for research from other than Federal sources. Such guaranty must be submitted, not later than June 15 of each year, on forms supplied by the Office of Experiment Stations, in order that certification of the station to the Treasury to receive the allotment of funds provided for in the act may be made in due time and that the necessary warrants may be issued. Funds derived from the Federal Government and funds not actually deposited with the State or Territory and subject to budgeting and expenditure by the State or Territory for research as outlined in the following paragraph are not acceptable as offset.

The station director has the responsibility of proposing expenditures for meeting offset requirements and of providing satisfactory evidence as to the research character of the offset work. Expenditures for agricultural research, including the administration and conduct of research and the publication of results, and for the establishment and maintenance of facilities for prosecuting such research are acceptable for offset. Work of agricultural experiment station grade, conducted under State auspices not necessarily at or by the main station, is also acceptable provided it is presented by the station director and is a part of a coordinated program for agriculture in the State. Expenditures covering service, demonstration, or regulatory work are not acceptable as offset.

## DESIGNATION OF BENEFICIARIES OF THE HATCH FUND BY STATE LEGISLATURES

1. When an agricultural college or station has been established under the act of July 2, 1862, such college is entitled to the benefits of the provisions of said act [i. e., of March 2, 1887].

2. In a State where an agricultural college has been established under the act of July 2, 1862, and agricultural stations have also been established, either under the act of July 2, 1862, or by State authority, before March 2, 1887, the legislature of such State shall determine which one of said institutions, or how many of them, shall receive the benefits of the act of March 2, 1887.

3. If the legislature of any State in which an agricultural college has been established under the act of July 2, 1862, desires to establish an agricultural station which shall be entitled to the benefits of said act, it must establish such station in connection with said college. (Treasury Department ruling Feb. 15, 1888.)

It is within the power of the legislature of any State that has accepted the provisions of said act of March 2, 1887, to dispose of the amount appropriated by Congress for said State to either one or all of the agricultural colleges or stations which may be established in said State by virtue of either the provisions of the act of July 2, 1862, or the provisions of said eighth section of the act of March 2, 1887. \* \* \*

The whole responsibility rests upon the State legislature as to how the fund appropriated by Congress shall be distributed among these various institutions of the State, provided there is one or more agricultural colleges with which an agricultural station is connected or one or more agricultural stations. (Treasury Department ruling Dec. 7, 1888.)



## DIVISION OF HATCH FUNDS BETWEEN STATIONS ALREADY ESTABLISHED

Where there is an agricultural college or station which may have been established by State authority and is maintained by the State, the eighth section of the [Hatch] act would authorize the State to designate \* \* \* the station to which it desired the appropriation to be applied, whether to one or more, or all, and \* \* \* the Secretary of the Treasury should make the payment under the appropriation to whichever one the State might designate. (Treasury Department ruling Feb. 14, 1888.)

## APPROPRIATION OF FUNDS THROUGH THE DEPARTMENT OF AGRICULTURE

The Federal funds granted to the States for agricultural research are made available through annual Congressional appropriations. The following extract from the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1943, is an example:

**Hatch Act:** To carry into effect the provisions of an act approved March 2, 1887 (7 U. S. C. 362, 363, 365, 368, 377-379), entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862 (7 U. S. C. 301-308), and of the acts supplementary thereto," the sums apportioned to the several States, to be paid quarterly in advance, \$720,000.

**Adams Act:** To carry into effect the provisions of an act approved March 16, 1906 (7 U. S. C. 369), entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," and acts supplementary thereto, the sums apportioned to the several States to be paid quarterly in advance, \$720,000.

**Purnell Act:** To carry into effect the provisions of an act entitled "An act to authorize the more complete endowment of agricultural experiment stations," approved February 24, 1925 (7 U. S. C. 361, 366, 370, 371, 373-376, 380, 382), \$2,880,000.

**Hawaii:** To carry into effect the provisions of an act entitled "An act to extend the benefits of certain acts of Congress to the Territory of Hawaii," approved May 16, 1928 (7 U. S. C. 386-386b), \$67,500.

**Alaska:** To carry into effect the provisions of an act entitled "An act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska," approved February 23, 1929 (7 U. S. C. 386c), \$15,000; and the provisions of section 2 of the act entitled "An act to extend the benefits of the Adams Act, the Purnell Act, and the Capper-Ketcham Act to the Territory of Alaska, and for other purposes," approved June 20, 1936 (7 U. S. C. 369a), \$10,000; in all, for Alaska \$25,000.

**Puerto Rico:** To carry into effect the provisions of an act entitled "An act to coordinate the agricultural experiment station work and to extend the benefits of certain acts of Congress to the Territory of Puerto Rico," approved March 4, 1931 (7 U. S. C. 386d-386f), \$50,000.

**Title 1, Bankhead-Jones Act:** For payments to States, Hawaii, Alaska, and Puerto Rico, pursuant to authorizations contained in title 1 of an act entitled "An act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges," approved June 29, 1935 (7 U. S. C. 427-427g), \$2,463,708: *Provided*, That of this amount \$63,708 allotted in the fiscal year 1942 to prevent reduced allotments because of changes in relative rural population shall be apportioned in the fiscal year 1943 in the same amounts and to the same States and Territory which received allotments from such sum in the fiscal year 1942.

In all, payments to States, Hawaii, Alaska, and Puerto Rico for agricultural experiment stations, \$6,926,208.

## DIMINISHMENT, LOSS, OR MISUSE OF FUNDS

Section 3 of the so-called Adams Act of March 16, 1906 (34 Stat. 63), which provides for an increased annual appropriation for agricultural experiment stations, requires that such part of the money appropriated under the provisions of said act as may be diminished or lost or misapplied after being received

by the officer of the State or Territory designated to receive same must "be replaced by said State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory"; and this requirement is an absolute prohibition upon the apportionment until such replacement is actually made, a mere withholding from the subsequent appropriation of an amount equal to that diminished, lost, or misapplied not being in compliance with said statute. (18 Comp. Dec. 120.)

There is "no limitation on time within which the replacement shall be made," but "no apportionment whatever can be made until the misapplied moneys are replaced." (Comp. Dec., Dec. 27, 1911.)

Section 3 of the Purnell Act is identical with section 3 of the Adams Act so far as it refers to the diminishing, loss, or misapplication of the funds appropriated.

In accordance with further rulings in the decisions cited, the amount of Hatch funds that has been diminished, lost, or misapplied must be reported by the Secretary of Agriculture to the Secretary of the Treasury as an unexpended balance, which is then subject to the provision of section 6 of the act, as described below. These rulings are held as applying also to Bankhead-Jones funds.

#### UNEXPENDED BALANCES OF FEDERAL FUNDS

Section 6 of the Hatch Act provides that—

whenever it shall appear to the Secretary of the Treasury from the annual statement of receipts and expenditures of any of said stations that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support.

The ruling of the Comptroller General (18 Comp. Dec. 485) says—

The provision in the Hatch Act of March 2, 1887 (24 Stat. 440), requiring the deduction of unexpended apportionments of appropriations applies also to appropriations under the Adams Act of March 16, 1906 (34 Stat. 63).

Since the Purnell Act and title I of the Bankhead-Jones Act supplement the Hatch and Adams Acts, it is to be assumed that the above decision of the Comptroller General regarding the disposal of unexpended balances applies also to the Purnell and Bankhead-Jones Acts. Such unexpended balances must be accounted for as part of the appropriation for the succeeding fiscal year; in short, each station must account every year for the specific sum provided by Congress, although the amount actually paid to the station in any one year may be less on account of the deduction of an unexpended balance for the preceding fiscal year.

#### USE OF FEDERAL-GRANT FUNDS

##### RESPONSIBILITY OF THE STATION DIRECTOR

In the administration of the Federal-grant funds, the Office of Experiment Stations, representing the Secretary of Agriculture, deals with the director in the expectation that, as the responsible head of the experiment station, he has been given the necessary authority to carry out the program of investigations worked out in agreement with the Office through the initiation and submission of proposals by the director for review, suggestions and approval by the Office, and to administer the approved budget of expenditures. The administrative responsibility of the director should include authority to cooperate

with the Department in formulating the grant-fund research program of the station, to supervise and authorize all expenditures under the approved budget, to select and maintain a competent staff, to plan and make arrangements for carrying out the program, and to maintain conditions and relationships favorable to productive research.

On this subject the Secretary of Agriculture, under date of January 18, 1934, wrote to the president of a State board of control in part as follows:

The plain meaning of the language [used in secs. 1, 2, and 3 of the Hatch Act] is that it is the experiment station whose "duty" it is, under the direction of the college, and in cooperation with this Department, to determine what researches, bearing directly on the agricultural industry of the United States, are "advisable" \* \* \* inasmuch as the State \* \* \* has given its assent to the "purpose" of the grant made by the Hatch Act, and has similarly assented to the purposes of the Adams and Purnell Acts, it has thereby agreed, on its part, for a valuable consideration, that the experiment stations are the proper bodies to determine, under the direction of their respective agricultural colleges and in cooperation with this Department, what agricultural researches are "advisable." Having given this assent, the State \* \* \* may not, without a virtual repudiation of the assent already given to the purpose of the experiment station acts, assume the right, by legislation or otherwise, to appoint some other body and give to it the authority to make such a determination. Much less, of course, would there be any warrant for your board or any other State body to assume the authority to take such action, without the sanction of legislation. \* \* \*

The experiment station funds allotted to the State out of the Federal appropriations are Federal moneys and continue to be such until they are disbursed pursuant to the purposes specified by Congress. \* \* \* These Federal funds, by the terms of the acts referred to, are payable to the officer appointed by the governing boards of the colleges or experiment stations and the officer to whom the funds are paid thereby becomes their custodian. There is no requirement in the act that he shall deposit them in the State treasury, although it is entirely proper that he should do so. \* \* \* But, if he does so deposit them, his custodianship is not thereby terminated; they continue to be Government funds, until they are expended for the purposes specified in the acts of Congress; it was so held by the Comptroller General of the United States, in his decision of January 16, 1933. \* \* \*

For the reasons given above \* \* \* the exercise of scrutiny of your board over the expenditure of the experiment station funds allotted to the States in accordance with the Hatch, Adams, and Purnell Acts to the extent of the disapproval and suspension thereof is unauthorized and \* \* \* its continuance is not desirable. \* \* \* If the board feels that \* \* \* while the funds are on deposit in the State treasury, it can pass requisitions by the director of the \* \* \* experiment station when properly vouched for \* \* \* the Department sees no objection in having that much of the present practice continued. If, however, the board feels that it cannot do this \* \* \* arrangements will have to be made whereby experiment station funds, now on deposit in the State treasury, will either have to be subject to direct disbursement on properly approved warrants of the director of the experiment station or such funds will have to be withdrawn from the State treasury and placed in some other depository, from which such disbursements can be freely made.

With further reference to this matter, the Secretary of Agriculture, under date of April 13, 1934, wrote, in part, as follows:

The statement made that the board feels the same responsibility for safeguarding Federal funds placed in its hands \* \* \* as it would for funds placed in its hands by the State legislature indicates that the board has failed to appreciate the fact, which the Department's letter of January 18 endeavored to make plain, that these funds *have not been placed* in the board's hands. The moneys placed under the control of the board by the State code are State moneys and, even if the legislature had undertaken to place these Federal trust funds under the board's control \* \* \* such action would have been wholly ineffective, since they are allotted to the State by the Federal Government on



the condition that they shall be under the control of the Agricultural College, with the duty expressly placed on the Experiment Station to determine what agricultural researches are advisable in their expenditure.

In line with this understanding, all vouchers drawn on the Federal funds must have the approval of the director of the experiment station or his duly authorized agent before they are acceptable as charges against the Federal funds. When the director authorizes another person as his agent to sign vouchers or otherwise to act in his stead, a statement of such authorization, signed by him, should be filed in the offices of the director and custodian of the funds, and a copy transmitted to the Office of Experiment Stations for record.

While the experiment stations may take advantage of State contracts and the services of State officials in the purchase of supplies and equipment from the Federal-grant funds, the Solicitor of the Department of Agriculture, under date of December 17, 1936, rendered the opinion that—

it would seem to be obvious that State contracts for the purchase of supplies, which must necessarily be concerned with, and limited in application to, expenditures of *State funds*, can have no control over, or applicability to, expenditures of *Federal funds*, such as all these various funds are, by those with whom such funds have been placed in trust for the accomplishment of specified purposes, even though such persons may be officers or employees of the State.

#### CUSTODY OF THE FEDERAL-GRANT FUNDS

In the authorizing acts, Congress specifies that the funds appropriated shall be paid "to the treasurer or other officer duly appointed by the governing boards of such agricultural experiment stations." This requirement cannot be set aside by any act of the legislature of a State.

Since the Congress has authorized the payment of these funds only to an officer of the agricultural experiment station duly appointed by the governing board of such station, such payments may not be made to any other person, and the provisions of the Federal statutes in this respect are in no way affected by any act of the legislature of the State attempting to provide for such payments to an officer of the State other than an officer of the experiment station duly appointed by the governing board of such station to receive the same. (Comp. Dec. A-32831, Sept. 4, 1930.)

The Solicitor of the Department of Agriculture in an opinion dated November 11, 1933, after briefly reviewing the purposes for which the Federal funds are appropriated to the experiment station, said—

It seems \* \* \* quite obvious that these funds, so appropriated and paid by the Federal Government for these specific purposes (to which purposes the State must assent before the funds are payable), and which, when paid, are not the property of the State or even of the appointed officer to whom they are paid, but only in his custody for proper disbursement, cannot \* \* \* be placed under the administration of an entirely different State officer, so that he \* \* \* may determine in what amount and at what rate they may be expended in carrying out the purposes for which they were originally appropriated and paid by the Federal Government.

#### ANTICIPATION OF FIRST-QUARTER PAYMENTS

The fiscal year for the Federal funds begins on the first day of July, corresponding with the fiscal year of the Government. In this connection the Treasury Department, August 2, 1888, has ruled:

An agricultural station entitled to the benefits of \* \* \* appropriations made by Congress can anticipate the payment to be made July 1, and make con-

tracts of purchases prior to that time, if it shall be necessary to carry on the work of the station. Of course, no portion of said appropriations paid in quarterly installments can be drawn from the Treasury unless needed for the purposes indicated in the act; and so much of what is so drawn as may not have been expended within the year must be accounted for as part of the appropriation for the following year.

#### BORROWING OR TRANSFER OF FUNDS

Experiment station officers have no authority to borrow money to be repaid out of appropriations made under the act of Congress of March 2, 1887, and \* \* \* charges for interest cannot properly be made against funds appropriated under that act. (Department of Agriculture ruling, Mar. 10, 1896.)

The Comptroller General, in his decisions of January 27 and February 13, 1936, A-46031, rules that as there is no authority in law for transferring Federal funds for temporary use to a State account, or, in effect, borrowing or using Federal funds for State purposes, such procedure is illegal.

The above rulings apply under the Hatch, Adams, Purnell, and Bankhead-Jones Acts.

#### DEPOSIT OF THE FEDERAL-GRANT FUNDS AND ACCOUNTING FOR INTEREST

The Hatch, Adams, Purnell, and Bankhead-Jones funds, wherever deposited, must be available at all times for disbursement only in payment of claims authorized by the station director. The deposit of these funds in the State treasury, if found necessary and expedient in connection with the safekeeping, disbursement, and control thereof, may be made without legal objection.

It may be stated, however, that the said acts do not provide the place and manner in which the funds shall be deposited by the treasurer or other officer duly appointed by the governing boards of such agricultural experiment station to receive the same, and, therefore, if, in the administration of said funds, it is found necessary and expedient in connection with the safekeeping, disbursement and control thereof for the treasurer of [an] agricultural experiment station, after he has received, receipted for and become responsible to account therefor to the Governor of the State and the Secretary of Agriculture, as provided by the acts under which the funds are appropriated, to deposit the said funds in the State treasury, I have to advise \* \* \* that there would appear to be no legal objection to such procedure. (Comp. Dec. A-32831, July 20, 1931.)

Such deposit, however, does not relieve the station director of the responsibility for the budgeting and expenditure of the funds, or the duly appointed station treasurer of the responsibility for accounting for them, and paying regularly approved and legitimate claims on them on order from the director.

According to a decision of the Comptroller General, A-46031 of July 25, 1941, the Federal-grant funds must be maintained in a separate deposit account if any interest accrues on the deposit of these funds. By this decision the Department of Agriculture is held responsible for requiring a procedure on the part of the State relative to the deposit of the Federal-grant funds which will enable the Department to ascertain that the conditions of the respective grants have been complied with fully and to determine that the interests of the Government otherwise are fully protected.

Provision is made in the annual financial report for certification by the station treasurer and the director as to any interest that may have been earned on the deposit of the Federal-grant funds. If any interest has been earned the amount must be remitted to the Treasurer

of the United States through the Department of Agriculture together with a certificate as to the deposits of the Federal-grant funds and the amount earned as interest in accordance with instructions furnished by the Office of Experiment Stations.

In accordance with the Comptroller General's decisions, A-46031 of January 27, 1936, and February 13, 1936, cited previously, under the section on borrowing money (page 27) the Department is held responsible for seeing that the Federal-grant funds are not used at any time to defray expenses chargeable to funds of State origin, regardless of whether the funds of State origin are for the same general purposes as the Federal-grant funds.

In view of the requirement that interest accumulated on deposits of Federal-grant funds must be ascertained and returned to the Federal Treasury and the responsibility of the Department of Agriculture for requiring a procedure which will enable the Department to ascertain that the conditions of the grants have been complied with fully, that the interests of the Government are fully protected, and that the grants are not used at any time to defray expenses chargeable to funds of State origin, the Department requests that the Federal-grant funds be maintained in a separate deposit account. If, with full understanding of the foregoing considerations, the institution wishes to place the Federal-grant funds with unrestricted funds of State origin in a consolidated deposit account, the Department will give consideration to such an arrangement provided the institution meets the following requirements: (1) The total of paid vouchers chargeable against all unrestricted funds of State origin shall not exceed at any time the total of these unrestricted funds available for disbursement through the consolidated account. If the total vouchers paid should at any time exceed the available unrestricted funds this would be equivalent to borrowing temporarily from restricted State funds or Federal-grant funds in the consolidated account. Such borrowing from the Federal-grant funds would violate the Comptroller General's ruling A-46031, cited previously. (2) The State institution must assume full responsibility for maintaining an accounting system satisfactory to the Department which would enable its representatives to ascertain quickly that the requirement stated under (1) above is complied with. The responsibility clearly rests with the State institution for producing satisfactory evidence of compliance.

Evidence of unauthorized use of Federal-grant funds held in a consolidated deposit account may be considered sufficient justification for requiring modification of the accounting procedure to provide for their deposit in a separate account.

#### EMPLOYER CONTRIBUTIONS TO RETIREMENT SYSTEMS

The act approved March 4, 1940 (54 Stat. 39), authorizes the use of Federal-grant funds of the several States and Territories for making employer contributions to retirement systems of the land-grant colleges.

The provisions of the act have been interpreted in the Acting Secretary's letter of August 23, 1940, to cover the following principal points:



Employer contributions as authorized by the act are separate and distinct from contributions made to a retirement system by employees from their salaries.

Only those employees receiving salary payments from Federal-grant funds are eligible for employer contributions from these funds. These salary payments must have been earned by the employee for whose benefit the contributions are made before the grant funds can be used for such contributions.

The provisions of the act do not apply to employees eligible to participate in the U. S. Civil Service Retirement Act.

Employer contributions from Federal-grant funds must be equalled at least by contributions to the retirement system on the part of the individuals concerned or the State, either alone or in combination. They are limited during any fiscal year to not more than 5 percent of the salaries paid from Federal-grant funds and must not exceed the percent designated as employer contributions under the retirement system in force at the station.

Employer contributions from each of the Federal-grant funds must be made in the same ratio that salaries are paid from each of these funds to the individuals for whose benefit the employer contributions are made.

The Acting Secretary's letter further specifies that for the use of the Office of Experiment Stations in carrying out this responsibility, the following appear to be essential requirements for ascertaining that the provisions of the act are adhered to:

(1) Copies of the laws, orders, and regulations authorizing, establishing, and governing the retirement system for each agricultural experiment station wishing to take advantage of the provisions of the act of March 4, 1940.

(2) A financial estimate of the employer contributions planned to be paid from the Adams, Purnell, and Bankhead-Jones funds should be included by funds in the annual budgets transmitted with research programs for approval before the beginning of each fiscal year. At the same time, proposals should be transmitted for the use of the Hatch fund for employer contributions.

(3) Properly approved vouchers and evidence showing that withdrawals of employer contributions from the Federal-grant funds have qualified as regular expenditures. The vouchers and evidence should be available for examination and approval.

(4) A report made at the end of each fiscal year on forms prescribed by the Secretary of Agriculture. The report will cover \* \* \* data for each agricultural experiment station employee for whom employer contributions have been made from Federal-grant funds.

#### FIELDS OF RESEARCH AUTHORIZED BY THE FEDERAL-GRANT ACTS

The Federal-grant acts outline the fields of research for which the appropriations authorized are intended, as follows:

*The Hatch Act*, establishing agricultural experiment stations as departments of the land-grant colleges, authorizes funds "to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science," and provides for "such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States and Territories."

*The Adams Act*, which is amendatory to the Hatch Act, authorizes the funds made available "to be applied only to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States, having due regard to the varying conditions and needs of the respective States and Territories."

*The Purnell Act*, provides that the funds authorized "shall be applied only to paying the necessary expenses of conducting investigations or making experiments bearing directly on the production, manufacture, preparation, use, distribution, and marketing of agricultural products and including such scientific researches as have for their purpose the establishment and maintenance of a permanent and efficient agricultural industry, and such economic and sociological investigations as have for their purpose the development and improvement of the rural home and rural life."

*The Bankhead-Jones Act*, in title I, authorizes the pursuit of "research into laws and principles underlying basic problems of agriculture in its broadest aspects; research relating to the improvement of the quality of, and the development of new and improved methods of production of, distribution of, and new and extended uses and markets for, agricultural commodities and byproducts and manufactures thereof; and research relating to the conservation, development, and use of land and water resources for agricultural purposes." The act specifies also that the sums appropriated for these purposes "shall be in addition to, and not in substitution for \* \* \* sums appropriated or otherwise made available for agricultural experiment stations."

#### LIMITATIONS IN THE USE OF FEDERAL-GRANT FUNDS

*Limiting expenditures to the fiscal year.*—Expenses incurred by an agricultural experiment station in any one fiscal year (July 1 to June 30) to be paid from the funds provided under the act of Congress of March 2, 1887 (Hatch Act), and supplementary acts, must not exceed the amounts appropriated to the station by Congress for that year. The several appropriations for experiment stations under the aforesaid acts are for a specified fiscal year, and officers of experiment stations have no authority to enter into obligations after June 30, the close of the year for which Congress made the appropriations.

Although the books covering expenditures of Hatch and supplementary funds within the fiscal year must be closed as to obligations on June 30, payment may be made at any time prior to filing of the report required by section 373, title 7, U. S. Code, which is "on or before the first day of September of each year." (Letter of Office of Budget and Finance, dated May 21, 1935.)

*Personal services.*—No portion of the Federal-grant funds may be used for paying salaries or wages for activities other than those of the agricultural experiment stations as specified in the respective grant acts. In case the same persons are employed in the experiment station and other departments of the college with which the station is connected, a fair and equitable division of salaries or wages should be made, and, in case of any other expenditures for the joint benefit of the experiment station and other departments of the college, the Federal-grant funds should be charged with only a fair share of such

expenditures. (Department of Agriculture ruling, Oct. 25, 1897; also ruling of Attorney General, May 10, 1899.)

The foregoing principle relating to a fair and equitable division of salaries should be observed in all cases involving increases or reductions in salaries paid in part from the Federal-grant funds.

In connection with the administration of the Bankhead-Jones Act, the Secretary of Agriculture, on September 11, 1935, wrote to the directors of the agricultural experiment stations in part as follows:

Accordingly, the Office of Experiment Stations, in its administrative relationships with the experiment stations, will be expected to scrutinize closely all salaries and parts of salaries paid from the Hatch, Adams, Purnell, and Bankhead-Jones funds, particularly those salaries paid jointly by the station and the college, to insure that the station work receives a full measure of the time and energy of specialists assigned to it with due regard to the character, scope, and productiveness of the work itself as projected. Expenditures from these funds for research supplies, equipment and other facilities, including especially buildings, land, livestock, and the maintenance thereof, likewise will be scrutinized carefully to insure that such expenditures are limited to the legitimate needs of the research programs of the stations.

Savings resulting from reductions in or terminations of salaries paid from the Federal-grant funds are available only for budget and expenditure by the station director within the same fiscal year for the purposes specified in the respective Federal acts.

No administrative officer, department head, or other employee may receive any part of his salary from the Adams, Purnell, or Bankhead-Jones funds, unless he is actively working on one or more projects approved for these funds and then only in proportion to the time so devoted.

*Affidavit re overthrow of the Government.*—The act making appropriations for the Department of Agriculture, including the payments for agricultural experiment stations, for the fiscal year ending June 30, 1943, contains the following provision:

No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence; \* \* \* *Provided further*, That any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That nothing in this section shall be construed to require an affidavit from any person employed for less than sixty days for sudden emergency work involving the loss of human life or destruction of property, and payment of salary or wages may be made to such persons from applicable appropriations for services rendered in such emergency without execution of the affidavit contemplated by this section.

This provision has been construed to apply to all employees of the experiment stations paid from the Federal-grant funds except "any person employed for less than 60 days for sudden emergency work involving the loss of human life or destruction of property." Forms for securing the necessary affidavits are made available to the stations by the Office of Experiment Stations. When executed the affidavits



should be filed at the station and be available for examination by representatives of the Office. The following certification as to compliance with this provision must be made by the director on all payrolls and pay vouchers covering the Federal-grant funds:

I (further) certify that the employment of the persons named on the within payroll is not prohibited by any provisions of law limiting the availability of the appropriation(s) involved.

*Expenses of administration.*—The Hatch fund may be used to defray the expenses of agricultural experiment station administration, but the Adams, Purnell, and Bankhead-Jones funds may not be so used. State funds used for the administration of agricultural research are acceptable for Bankhead-Jones offset.

*Independent and branch stations.*—The Hatch Act (March 2, 1887) authorizes the establishment and maintenance of stations in connection with the colleges that were then or might thereafter be established under the act of July 2, 1862 (Treasury Department ruling Jan. 30, 1888), but not of independent and branch stations. The Federal-grant funds cannot be turned over to an independent or branch station, to be used and accounted for by such station. The director of the agricultural experiment station, established under the Hatch Act in connection with the college of agriculture, is held responsible by the Department for the budgeting and use of and accounting for the funds and the planning and supervision of research thereunder. An experiment station may often need to carry on investigations in different localities within the State or Territory, but this should be done in a way to secure the thorough supervision of such investigations by the officers of the main station, and arrangements for such experimental inquiries should not be of so permanent a character as to prevent the station from shifting its Federal-fund work from place to place as circumstances may require, nor involve the expenditure of Federal funds in such amounts and in such ways as will weaken the work of the station as a whole. (Department of Agriculture ruling, Mar. 10, 1896). This limitation applies also to the Adams, Purnell, and Bankhead-Jones funds.

*Buildings and land.*—No provision is made in the Hatch Act for the purchase or rental of land, and such use of the funds provided by this act is held to be contrary to its spirit and intent.

The annual total expenditures for the erection, enlargement, or repair of station buildings is limited to 5 percent of the allotment by the Hatch Act; and the annual total expenditures for the purchase and rental of land and the purchase, erection, preservation, or repair of buildings to 5 percent by the Adams Act, and to 10 percent by the Purnell Act. However, the acts extending the benefits of these funds to Hawaii and Puerto Rico provide "That the Territory \* \* \* shall make provision for such additional buildings and permanent equipment as may be necessary for the development of the work." The Bankhead-Jones Act specifies no limitation of the amount that may be expended for buildings and land, the provision of the act being "Moneys appropriated in pursuance of this title shall also be available for the purchase and rental of land and the construction of buildings necessary for conducting research provided for in this title, [and] for the equipment and maintenance of such buildings."

*Rent of college buildings and land.*—On July 19, 1938, the Solicitor's office advised that, according to the Hatch Act, the primary requirement the State had to meet, to be eligible for the Federal experiment station funds, was to establish, under the direction of the State college of agriculture, "a Department" to be known as an "agricultural experiment station." The plain meaning is that the experiment station is a department of the college and under its direction, which is widely different from the conception of an experiment station as a separate institution occupying some of the college buildings on sufferance and, as such, required to pay rent.

This opinion is held also to apply to the rental of land owned by the college or cooperating agency such as a State department of agriculture.

*Publications.*—The printing and distribution of only such publications as will record the researches and experimental work of the stations established under the Hatch Act should be paid for from the Hatch fund. (Department of Agriculture ruling Feb. 25, 1909.)

The Adams Act makes no provision for the printing and distribution of publications, and charges for this purpose may not be placed against the Adams fund.

Charges against the Purnell and Bankhead-Jones funds must be for the publication of results of researches and experimental work supported from these funds respectively. Whenever such results are published with other material, as, for instance, in the annual reports of the stations, only a due proportion of the cost of publication should be charged to the respective funds. State funds used for publishing the results of agricultural research are acceptable for Bankhead-Jones offset.

*Farm operations.*—Expenses incurred in connection with the operation of farms and grazing units are not proper charges against the Federal-grant funds unless essential to carrying out the procedures of definitely planned and approved projects.

*Livestock feeding trials.*—In large-scale feeding or grazing experiments or trials involving recurring expenditures for animals, feed, and bedding that may be charged appropriately to income from surplus products, the Federal-grant funds should be used only for such initial expenditures of this type as are necessary, and, thereafter, should be restricted to such charges as personal services, equipment, travel, and publication.

*Heat, light, water, power, and janitor services.*—Charges for heat, light, water, power, and janitor services must be based on the actual service rendered to the experiment station when made against the Hatch fund and, in addition, must relate directly to approved projects when made against the Adams, Purnell, and Bankhead-Jones funds. Charges against the Federal funds for the complete heating, lighting, or care of a college building, only a part of which is used by the experiment station, cannot be approved. Similar charges made against funds submitted for Bankhead-Jones offset must likewise be based on the services actually rendered to agricultural investigations.

*Insurance premiums.*—The Solicitor of the Department has rendered the opinion that the Federal-grant funds may not be used properly for the payment of insurance premiums on buildings and other

station property. If insurance is required by State law, the means of providing it should be provided by the State.

The foregoing opinion is held to apply also in the case of premiums on liability and accident insurance on cars and trucks, employee's liability insurance, or any other form of insurance.

*Sales taxes, including auto license plates.*—The Comptroller General, in decision A-46031, dated April 9, 1935, relative to the Federal funds for extension and experimental work of the land-grant colleges, stated—

Obviously a diversion of part of the funds into the treasuries of the respective States in the form of taxes for general support of the State government is not a use of the funds for cooperative work of the agricultural and mechanical colleges and such diversions find no sanction in the law. \* \* \* If the tax was paid by the wholesaler or some other persons prior to the article or supplies coming into possession of the person from whom purchased with the use of such funds, the addition, if any, to the normal price of the articles or supplies may not be considered a tax but it is a part of the price.

The Solicitor of the Department under date of September 8, 1939, held that, aside from the purpose of identification, the purchase of license tags as a prerequisite to the operation of motor vehicles is a requirement in the nature of a tax on the privilege of operating motor vehicles. The payment of such a tax would constitute a diversion of Federal funds for State purposes, no different in principle than the payment of a sales tax on commodity purchases.

*Federal taxes.*—The Federal-grant funds are not subject to Federal taxes including the gasoline tax, the use tax on motor vehicles, and taxes on transportation of persons or property, and therefore are not available for the payment of such taxes. State experiment stations may secure exemption from payment through the use of tax exemption certificates issued by the Bureau of Internal Revenue of the Treasury Department and obtainable from the nearest office of the Collector of Internal Revenue.

#### SOME PURPOSES FOR WHICH THE FEDERAL-GRANT FUNDS MAY NOT BE USED

- (1) Expenditures not approved by the director or his authorized agent.
- (2) Other than experiment station work, including teaching, extension, regulatory, or service work.
- (3) Salaries of workers while temporarily withdrawn from station work.
- (4) Payment before value is received.
- (5) General maintenance of substations.
- (6) Rent for college buildings or land.
- (7) Premiums for insurance on buildings and other station property.
- (8) Premiums for employees' liability insurance.
- (9) Sales taxes.
- (10) License plates for automobiles and trucks.
- (11) Drivers' licenses or permits.
- (12) Interest charges.
- (13) Repaying borrowed money.
- (14) Temporary substitution for State funds.
- (15) State deposit guarantee funds.
- (16) Bonds for custodian of Federal-grant funds.
- (17) Registration of animals.
- (18) Expenses incurred in applying for, acquiring, and defending patents.
- (19) Membership fees in the Association of Land-Grant Colleges and Universities, or, as such, in other organizations.



## USE OF INCOME FROM SALES

Sales receipts derived as legitimate residues of research supported by the Federal funds belong to the station and are properly available for reinvestment in experiment station work. Such receipts may be spent for the conduct of experiments or to meet other needs of experiment station work including permanent improvements.

## EXPERIMENT STATION ACCOUNTS

## ESSENTIAL REQUIREMENTS

The essential requirements in support of Federal-grant fund expenditures are:

## A. Expenditures for personal services:

- (1) Vouchers showing the individuals paid, the amount due, the amount of any authorized deductions, the amount paid, and the approval of the director. Certification as to compliance with provisions of law limiting the availability of the appropriations involved is also required, see page 31.
- (2) Evidence of payment in the form of a receipt or canceled checks for the full amount of salary or wages due the employee for the pay roll period.
  - (a) Where the amount payable by the check or warrant is the full amount of the salary or wages due the individual from the fund drawn on, his endorsement of the check or warrant, or that of his legal agent, constitutes an adequate receipt.
  - (b) Where the amount payable by the check or warrant is less than the full amount of salary or wages due the individual because of authorized deductions a receipt by the payee for the full amount due is necessary. The signature of the individual on pay roll vouchers showing deductions is an acceptable form of receipt, or a special form of receipt may be printed on the back of the check or warrant above the endorsement such as: "I certify that I have received from the \_\_\_\_\_ Agricultural Experiment Station the amount of this check, which, with the deductions to which I have agreed, constitutes full payment for the amount due." If the total earnings and deductions are shown on that portion of the check which carries the endorsement, the canceled check alone constitutes evidence of receipt of full payment.

## B. All other expenditures:

- (1) Vouchers showing—
  - (a) Kind and cost of purchase or service rendered and from whom purchased or by whom rendered.
  - (b) Certificate of receipt of goods or of service rendered.
  - (c) Approval for payment, by the signature of the director of the station or his duly designated representative.
  - (d) The individual projects for which expenditure was incurred, if Adams, Purnell, or Bankhead-Jones.

- (e) The classification with reference to the schedules prescribed for the annual financial report.
- (f) The fund against which the expenditure is charged.
- (2) Evidence of payment in the form of receipts or canceled checks. If the canceled checks are not attached to the respective vouchers, the vouchers should show the number or other identification of the check issued in payment of the voucher in question.

Expenditures of State funds presented as offset to the allotments of Bankhead-Jones funds should be supported by vouchers and evidences of payment similar to those required for expenditures of Federal-grant funds. The signature of the director on offset vouchers is optional, but he has the responsibility of providing satisfactory evidence as to the research character of the offset work.

If the system of classification used for State fund expenditures differs from the system prescribed for the Federal-grant funds, estimated apportionments of these expenditures according to the Federal system should be made for the purposes of the annual financial report.

Representatives of the Department of Agriculture charged with the duty of examining expenditures under the Hatch, Adams, Purnell, and Bankhead-Jones Acts are expected to examine all original vouchers and subvouchers supporting the different expenditures, except as hereinafter provided.

In view of the fact that some States have passed laws which require the original invoices, vouchers, and subvouchers supporting accounts to be filed elsewhere than at the headquarters of the experiment station, it has been agreed that, for the purpose of ordinary routine examination of the accounts, certified copies of the original vouchers and subvouchers and all supporting details, accompanied by the canceled payment checks showing the invoices covered, will be accepted. If for like reasons the canceled checks are not kept at the experiment station, a duly certified list of them showing the number of each check, the amount paid, and the payee will ordinarily be accepted as evidence of payment, provided each voucher shows by number or otherwise the check by which it was paid. It is understood, however, that the original vouchers and canceled checks are to be made available for examination if requested by the Department's representative.

#### ANNUAL FINANCIAL REPORT

The experiment station treasurer or other officer appointed to receive the Federal-grant funds is required to submit on or before the first day of September of each year a statement of the amounts received and of their disbursement on forms prescribed by the Secretary of Agriculture. The annual financial report also includes a statement of the Bankhead-Jones offset, the total of non-Federal funds available and expended, and a certificate as to the amount earned as interest on the deposit of the Federal-grant funds.

CLASSIFICATION OF EXPERIMENT STATION EXPENDITURES OF  
FEDERAL-GRANT FUNDS

The classification of objects of expenditures complies with the provisions of the Federal-grant acts and the requirements of Executive Order No. 8512 of August 13, 1940, which prescribes requirements with respect to budgetary administration and financial reporting, and Treasury Regulation No. 1, dated June 28, 1941. It is based upon the nature of the services, articles, or other items involved as distinguished from the purpose for which such obligations are incurred. Regulation No. 1 provides 16 object classes, of which only classes 01 through 11 affect the accounting and reporting of the Federal funds of the experiment stations. These 11 object classes have been divided into the detailed classes or subclasses considered necessary for ascertainment by the Office of Experiment Stations that expenditures are within the authorizations and limitations of the respective Federal acts.

## OBJECT CLASSES

## PERSONAL SERVICES:

- 011 Administration.
- 012 For construction or repair of buildings.
- 013 For all other purposes.

## TRAVEL:

- 02

## TRANSPORTATION OF THINGS:

- 03

## COMMUNICATION SERVICE:

- 04

## RENTS AND UTILITY SERVICES:

- 051 Heat, light, power, water, gas, electricity.
- 052 Rent of space in buildings or equipment.
- 053 Rent of land.

## PRINTING AND BINDING:

- 061 Printing publications.
- 062 Other printing, and binding.

## OTHER CONTRACTUAL SERVICES:

- 071 Repairs and alterations to equipment, and other contractual services not otherwise classified.
- 072 Repairs and alterations to buildings (not capital improvements).

## SUPPLIES AND MATERIALS:

- 081 Used in construction, repair, or alteration of buildings.
- 082 Other supplies and materials.

## EQUIPMENT:

- 09

## LANDS AND STRUCTURES (contractual):

- 101 Land (purchase).
- 102 Land, nonstructural improvements.
- 103 Buildings (capital improvements including purchase, erection, repair, and alteration), and fixed equipment.
- 104 Other structures (purchase, construction, and repair).

## CONTRIBUTIONS TO RETIREMENT:

- 11

## DEFINITION OF OBJECT CLASSES

01. *Personal Services.*—Includes all salaries of officers or employees and wages for labor and compensation for special services rendered by consultants or others employed on a per diem or fee basis.



02. *Travel*.—Includes transportation of persons, their subsistence while in an authorized travel status, and other expenses incident to travel.
03. *Transportation of Things*.—Includes those charges for the transportation of things (including animals) which are paid or to be paid directly by the station and not by the vendor, such as freight, express, parcel post, and drayage or other local transportation, and charges for the care of such things while in process of being transported. Where an invoice includes charges for transportation as well as the articles purchased the transportation charges may be considered a part of the purchase price for purposes of classification.
04. *Communication Service*.—Includes the transmission of messages from place to place, such as tolls for land telegraph service, marine cable service, radio and wireless telegraph service, telephone service, postage, and messenger service.
05. *Rents and Utility Services*.—Includes charges for rents as well as for heat, light, power, water, gas, electricity, and other utility services exclusive of transportation and communication services.
06. *Printing and Binding*.—Includes all contractual services for the printing and binding of books, pamphlets, documents, and other publications. Printed forms and letterheads are included under this group when obtained under contract from printing concerns.
07. *Other Contractual Services*.<sup>1</sup>—Includes all contractual services not otherwise classified. Repairs and alterations to equipment such as automobiles, trucks, tractors, typewriters, adding machines, etc.; storage and care of vehicles (except in connection with travel); photographing, blueprinting, contractual stenographic work and duplicating; and other special and miscellaneous services (071); and repairs and alterations to buildings when done by contract, which do not add materially to the value of such property (072).
08. *Supplies and Materials*.—Includes all commodities ordinarily consumed or expended within a comparatively short period of time, converted in the process of construction or manufacture, or forming a minor part of equipment or fixed property, such as office and scientific supplies; small laboratory animals; fuels used in cooking, heating, and generating power, and gasoline and oil for all purposes; feeds and fertilizers, etc.; and materials and parts entering into the construction, repair, or production of equipment, machinery, buildings, and other structures.
09. *Equipment*.—Includes vehicles, machinery, scientific equipment, furniture and fixtures, and other apparatus adapted to continuing use over an extended period of service; books and periodicals for library purposes, and livestock (other than that purchased for feeding and slaughter).
10. *Lands and Structures*.—Includes contractual expenditures for purchase of land (101); nonstructural improvements to land such as clearing, grading, terracing, ditching, etc. (102); purchase or construction of buildings, and additions and alterations materially adding to the original value, and fixtures and equipment which become permanently attached to or form a part of buildings or structures, such as plumbing, lighting or heating systems, and refrigerating systems (103); and other structures such as fences, small hog or chicken houses, windmills, tanks, etc. (104).
11. *Contributions to Retirement*.—Employer contributions to the retirement of employees as provided for by the act of Congress approved March 4, 1940, entitled "An act to aid the States and Territories in making provisions for the retirement of employees of the land-grant colleges."

<sup>1</sup> Contractual services are interpreted to mean those performed by a firm or individual not in the employ of the station, who agrees to perform a certain job or service for a stated price which would include the cost of any materials necessary to do the job. The distinction may be clarified by examples. If the station buys supplies and materials from a dealer or other supplier for use in the construction, repair, or alteration of buildings and employs labor to do the work, the supplies and materials would be classified as 081 and the labor as 012. If, however, the obligation is essentially that of a service performed by a contractor who furnishes labor and materials as a part of his charge, and the repairs or alterations do not add materially to the value of the property, the classification 072 would apply. If additions and alterations materially adding to the original value of the building were secured under a similar contractual arrangement, the correct classification would be 103.

## CLASSIFICATION OF ITEMS OF EXPENDITURE

While the classification of all items of expenditure is determined by the nature of the services, articles or other item involved, as distinguished from the purposes for which the obligations were incurred, the following indicates the object classes ordinarily appropriate for the items listed:

Item	Symbol	Item	Symbol
Animals, small laboratory.....	082	Kerosene.....	082
Automobile mileage.....	02	Labels, tags, and bands.....	082
Automobile repairs.....	071	Ladders.....	09
Automobile storage at headquarters.....	052	Laundry and towel service.....	071
Automobile storage in travel status.....	02	Laundry, in travel status.....	02
Automobile servicing.....	07	Lysimeters built in place.....	104
Bags, barrels, baskets, etc.....	082	Livestock, feeding and slaughter.....	082
Balances.....	09	Livestock, breeding.....	09
Battery (if direct purchase).....	082	Machines, office.....	09
Battery (if obtained on contract for servicing automobiles including replacement of parts).....	071	Medicines.....	082
Bedding for animals.....	082	Orchard heaters.....	09
Bees.....	09	Paint.....	081 or 082
Bibliofilm.....	09	Parcel post.....	03
Binding periodicals, etc.....	062	Postage.....	04
Board, in travel status.....	02	Paper, blueprint.....	082
Board, laborers, part of wages.....	013	Photographic equipment.....	09
Bookcases and shelves.....	09	Photographic supplies.....	082
Books (reference).....	09	Platinum ware.....	09
Bottles and carboys.....	082	Postal guides.....	09
Breeding cages.....	09	Printed forms and letterheads.....	062
Brooders.....	09	Presses, laboratory.....	09
Brooms.....	082	Pruning shears.....	09
Brushes.....	082	Pumps.....	09
Bulbs, electric light.....	082	Railroad guides.....	09
Cameras.....	09	Refrigerators.....	09
Cards.....	082	Rent of cold storage or common storage.....	052
Charts and maps (consumable).....	082	Rent of office machines.....	052
Charts and maps (reference).....	09	Reprints, scientific papers.....	061
Chemicals, drugs, etc.....	082	Reservoirs for water storage.....	102
Cuts, halftones, etc., illustrations.....	061	Seeds.....	082
Drawing instruments.....	09	Serum, vaccinc, etc.....	082
Drugs.....	082	Shade cloth.....	082
Eggs.....	082	Shading frames.....	104
Feed (if charge for transportation is on same invoice it can be considered as part of the purchase price).....	082	Spray materials.....	082
Fees for professional or technical services.....	013	Structures, portable.....	104
Fences.....	104	Subscriptions to scientific journals.....	09
Files, office.....	09	Tarpaulins.....	082
Films, developing.....	071	Tests, chemical and biological (service).....	071
Flowerpots.....	082	Towels.....	082
Forceps.....	082 or 09	Tractor or truck, hire.....	052
Fungicides.....	082	Transportation charges (if charges are made on invoice separate from article purchased).....	03
Gasoline and oil for engines, tractors, etc.....	082	Tubing, glass, rubber, etc.....	082
Gasoline and oil for automobiles.....	082	Typewriters.....	09
Hardware.....	081 or 082	Typewriters, repairs.....	071
Harness.....	09	Ultraviolet-light apparatus.....	09
Horse, hire.....	052	Veterinary service.....	013
Horseshoeing.....	071	Wages, janitors, herdsmen, feeders, etc.....	013
Hose.....	09	Water meters (irrigation).....	09
Hotbed sash.....	09	Wells.....	102
Ice and other refrigerants.....	082	Windmills, tanks.....	104
Incubators.....	09		
Insecticides.....	082		
Irrigation ditches and flumes, permanent.....	104		
Irrigation water.....	051		

## FREE MAILING PRIVILEGE

Section 622 of the Postal Laws and Regulations (1932) of the United States, relating to the free transmission of reports and bulletins of the experiment stations, reads as follows:

## TO WHOM PUBLICATIONS MAY BE FRANKED

1. Bulletins or reports of progress \* \* \* published at agricultural experiment stations (established under the provisions of the act of March 2, 1887, in connection with colleges endowed under provisions of the act of July 2, 1862), one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located and to such individuals actually engaged in farming as may request the same \* \* \* and the annual report of said stations shall be transmitted in the mails of the United States free of charge for postage under such regulations as the Postmaster General may from time to time prescribe.

## HOW THE FRANKING PRIVILEGE IS TO BE USED

2. An agricultural experiment station which claims the privilege of transmitting free through the mails, under the provisions of this section, bulletins, reports of progress or annual reports, shall make application to the Third Assistant Postmaster General, Division of Classification, through the postmaster at the office where such station is located, stating the date of the establishment of the station, its proper name or designation, its official organization and the names of its officers, the name of the university, college, school, or institution to which it is attached, if any, the legislation of the State or Territory providing for its establishment and any other granting it the benefits of the acts of Congress referred to in this section, and whether any other such station in the same State or Territory is considered, or claims to be, also entitled to the privilege; and also the place where such station is located and the name of the post office where the bulletins and reports will be mailed. The application shall be signed by the officer in charge of the station.

3. If such privilege is allowed, the postmaster shall be instructed to admit such bulletins and reports to the mails free of postage.

4. Only bulletins or reports issued after an experiment station has become entitled to the privilege of this section may be transmitted free; and they may be inclosed in envelopes or wrappers, sealed or unsealed. On the exterior of every envelope, wrapper, or package, and over the words "Free—Annual Report, or Bulletin, or Report of Progress," shall be printed the name of the station and the name of the post office at which the matter is to be accepted free, followed by the name and title of the officer in charge of the station, and in the upper right corner the words "Penalty for private use to avoid payment of postage, \$300." The designation of the bulletin or report inclosed may be shown in lieu of the words "Annual Report, or Bulletin, or Report of Progress" following the word "Free." There may also be written or printed upon the envelope or wrapper a request that the postmaster at the office of delivery notify the mailing station of the change of address of the addressee, or other reason for inability to deliver the same, and upon a bulk package a request to the postmaster to open and distribute the matter therein, in accordance with the addresses thereon.

## DEPARTMENT OF AGRICULTURE BULLETINS MAY BE FRANKED WITH STATION PUBLICATIONS

5. Bulletins published by the United States Department of Agriculture and entitled to be mailed free under the penalty envelope of that department may also be adopted and mailed by agricultural experiment stations with such of their own publications as are entitled to free transmission in the mails, under the same regulations; and any bulletins or reports mailable free by any agricultural experiment station under these regulations may be so mailed by any other station entitled to such privilege.



**REPORTS OF STATE BOARDS OR DEPARTMENTS OF AGRICULTURE**

6. If annual reports of an agricultural experiment station are printed by State authority and consist in part of matter relating to the land-grant college to which such station is attached, then said report entire may be mailed free by the director of the station provided, in his judgment, the whole consists of useful information of an agricultural character. But the reports of State agricultural departments or boards may not be adopted by agricultural experiment stations in order to secure free circulation of such State reports.

**FREE DISTRIBUTION OF ANNUAL REPORTS NOT RESTRICTED**

7. The bulletins and reports of progress issued by agricultural experiment stations may be sent free only to the newspapers and persons stated in [par. 1, p. 34]. The annual reports may be sent free to any address.

**TRANSMISSION TO UNITED STATES POSSESSIONS AND FOREIGN COUNTRIES**

Any article entitled to transmission free of postage in the domestic mails of the United States, either in a "penalty" envelope or under a duly authorized "frank," shall be entitled likewise to transmission in the mails free of postage between places in any possession of the United States, from one to another of such possessions, from the United States to such possessions, and from such possessions to the United States; also from the United States to Canada, Cuba, Mexico, Newfoundland [including Labrador], and the Republic of Panama.

Amendments to postal regulations have extended the privilege also to Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras Republic, Paraguay, Peru, Salvador, Uruguay, and Venezuela. Official matter may not be sent free by air mail but is chargeable with postage at the air-mail rates. (U. S. Official Postal Guide, July 1933, p. 21.)

A part of section 2203 of the Postal Laws and Regulations in effect October 1932 reads as follows:

The exchange of all mailable matter in the regular (not parcel post) mails between the United States and foreign countries is governed by the Universal Postal Union Convention and other conventions in force.

**RETURN AND DISPOSAL OF UNCLAIMED MAIL MATTER**

Paragraph 2 of section 805, Postal Laws and Regulations, 1932, reads as follows:

Unclaimed official mail sent under penalty envelope or label, or the frank of a Member of Congress, and unclaimed reports and bulletins sent out from State agricultural colleges (in accordance with sec. 620) and from agricultural experiment stations (as provided in par. 3, sec. 622) shall be returned to the office of mailing if it is known. If the office of origin cannot be ascertained, such mail shall be returned to the post office at Washington, D. C.

**FRANKS MAY NOT BE USED FOR RETURN OF UNUSED BULLETINS**

The Third Assistant Postmaster General ruled September 9, 1933, that the return by a station to other stations free of postage under the penalty privilege of copies of bulletins received therefrom and for which there is no longer any use by the returning station is not permissible.

**BULLETINS MAY NOT BE FRANKED TO NEWSPAPERS OUTSIDE OF STATE OF ISSUE**

Bulletins are not mailable free to newspapers outside of the State or Territory in which the issuing station is located. (See Post Office Department ruling, Feb. 21, 1917.)

**PUBLICATIONS SOLD MAY NOT BE FRANKED**

Copies of the reports or bulletins of the agricultural experiment stations which are purchased, paid or subscribed for, or otherwise disposed of for gain, when sent in the mails are not entitled to free carriage under the "frank" of the director of the station. (Post Office Department ruling, Dec. 2, 1895.)

**TYPEWRITTEN OR MECHANICALLY DUPLICATED BULLETINS OR REPORTS MAY BE FRANKED**

Station bulletins and reports, consisting of typewritten matter or such matter duplicated on a mimeograph or other duplicating machine, "retain their character as free matter when properly franked by the director of the station." (Post Office Department ruling, Mar. 25, 1896.)

**HOW CARD BULLETINS MAY BE FRANKED**

Cards upon which are printed bulletins issued by agricultural experiment stations established under the provisions of the act of March 2, 1887, may be sent openly in the mails, free of postage, provided the address side of such card bears the indicia prescribed in paragraph 4, section 622, Postal Laws and Regulations, 1932 (p. 33), for envelopes used by the experiment stations referred to in mailing copies of their bulletins and reports. (Post Office Department ruling, Oct. 13, 1924.)

**ANNOUNCEMENTS GIVING ABSTRACTS OR SUMMARIES OF PUBLICATIONS MAY BE FRANKED**

There is no provision of law for mailing free of postage post cards announcing the issuance of publications or revising mailing lists; but announcements giving abstracts or summaries of publications may be franked. Cards of this character, prepared in the form of bulletins or reports of the experiment stations and identified as such by means of the prescribed indicia, may be mailed by the experiment stations under the free mail privilege enjoyed by them. There is no objection to stating on such cards, in connection with the abstracts or summaries, that the complete reports may be obtained on application. (Post Office Department ruling, Oct. 13, 1924.)

In order that an announcement or bulletin may come within the provisions of the law embodied in Section 622, Postal Laws and Regulations, the announcement should contain an abstract or brief account pertaining to the subject matter to which the bulletin relates so that the announcement may in fact constitute an abbreviated bulletin or report of progress. If a bulletin conforming to this condition should embody a form to be filled out by the recipient, designed to keep the mailing list current, there would appear to be no objection to the mailing thereof free of postage. (Letter Third Assistant Postmaster General, Aug. 6, 1940.)

**SEPARATE LISTS OF STATION PUBLICATIONS NOT FRANKABLE**

The Post Office Department rules that—

while the subject matter thereof [referring to a station bulletin] is regarded as being properly mailable free of postage, under the frank of the director, the card inclosed therewith giving a list of publications issued by the experiment station is not entitled to be so mailed. (Letter Third Assistant Postmaster General, May 8, 1930.)

**FRANKS MAY NOT BE USED FOR THE RETURN OF QUESTIONNAIRES**

There is no provision of law under which Agricultural Experiment Stations \* \* \* may furnish franked cards to persons from whom information is desired, for the purpose of being used in transmitting such information in the mails free of postage. (Letter Third Assistant Postmaster General, May 14, 1903.)

**MAILING REPRINTS FROM OUTSIDE JOURNALS**

The station frank cannot be used in mailing separates of station papers published in outside journals unless the covers of the separates show the papers to be clearly station publications, with no mention of the journals either there or on the title pages thereof.

**WEIGHT LIMITATIONS FOR MAILABLE MATTER**

Section 618, Postal Laws and Regulations, 1932, reads as follows:

No article or package exceeding 4 pounds in weight shall be admitted to the mails under the penalty privilege except postage stamps, stamped envelopes, newspaper wrappers, postal cards, internal-revenue stamps, single books weighing in excess of that amount, and books and documents published or circulated by order of Congress, or printed or written official matter emanating from any of the departments of the Government, or from the Smithsonian Institution.

2. Official matter exceeding 4 pounds in weight which is not embraced within these exceptions shall not be accepted for mailing free of postage under a penalty envelope or label, but, if it does not exceed the limit of weight prescribed by section 569 [relating to fourth-class matter], shall be accepted at the rates of postage prescribed for fourth-class matter, regardless of its character or kind, including written official matter, whether sealed or unsealed.

**PUBLICATIONS CARRYING SLOGANS AND SIMILAR MATTER MAY NOT BE FRANKED**

The Solicitor of the Department of Agriculture, in a letter to the Chief of the Office of Experiment Stations, of November 3, 1933, expressed the opinion that the printing of slogans or other expressions on the backs of bulletins or reports of progress published by an experiment station which are no proper part of such bulletins or reports of progress voids the franking privilege which these bulletins would otherwise enjoy.

**RENEWAL OF AUTHORIZATION FOR USE OF FREE MAILING PRIVILEGE**

The Post Office Department ruled March 31, 1928, that since the right to exercise the free mailing privilege is vested in the station and not in the director or other officer in charge of the station, further authorization in the case of a change in the director or officer in charge is not necessary.





